

A JOURNAL  
OF THE  
**PROCEEDINGS**  
OF THE  
LEGISLATIVE COUNCIL  
AT ITS ELEVENTH SESSION  
COMMENCED JANUARY THE SEVENTH 1833.



At a session begun and held at the City of Tallahassee,  
on Monday the 7th day of January, in the year of our  
Lord 1833, the following Gentlemen appeared viz:

From St. Johns and Mosquitoe, Jos. L. SMITH and  
JAMES RIZ.

From Duval, JOHN WARREN.

From Nassau, JAMES G. COOPER.

From Alachua and Columbia, GABRIEL PRIEST.

From Hamilton and Madison, JAMES S. BELL.

From Jefferson, ABRAHAM BELLAMY.

From Leon, GEO. T. WARD and THOMAS M. BRAD-  
FORD.



From Gadsden, JOSEPH McBRIDE and BANKS MEACHAM.

From Jackson and Fayette, PETER W. GAUTIER and CHARLES HOWARD.

From Washington and Franklin, JOHN P. BOOTH.

From Walton, RICHARD S. COMPTON.

From Escambia, BENJAMIN D. WRIGHT.

Who having been duly qualified according to law, by the Honorable Thomas Randall, Judge of the Superior Court for the Middle District of Florida, took their seats

On motion of Mr. Booth, Mr. Bellamy was called to the chair, when the House proceeded to organize itself.

Mr. Booth was elected President; and was thereupon conducted to the chair; when he made a suitable address.

Joseph B. Lancaster was elected Chief Clerk, James Bryan Jr. was elected Sergeant at Arms, and Moses Ellis was elected Door Keeper.

On motion of Mr. Bellamy—Resolved, that a committee of three be appointed to wait upon his Excellency Wm. P. Duval, Governor of the Territory of Florida, and inform him the house is organized, and ready to receive from him any communication—Messrs. Bellamy, Smith, and Wright were appointed on that committee.

Mr. Gautier moved, that a committee of three be appointed to draft rules for the government of this house during its present session; and that until said committee shall report, the House shall be governed by the rules which were in force at its last Session, which was carried, no one dissenting.

Messrs. Gautier, Wright and Bradford, were appointed on that committee.

The House then adjourned until 10 o'clock on tomorrow.

TUESDAY, January 9, 1833.

The House met pursuant to adjournment, a quorum being present, the minutes of yesterday were read, and agreed to.

Mr. Warren offered the following resolution:

Resolved, that the House do proceed to the election of eight enrolling and engrossing Clerks.

Mr. Bellamy, from the committee appointed to wait upon the Governor, made the following report:

The select committee, appointed to wait on the Governor, and inform him that the Council is organized, and ready to receive any communication he may have to make, have directed me to report, that they have performed

that duty, and that the Governor will transmit his message to-day at 12 o'clock.

The resolution offered on to-day, by Mr. Warren, was considered, and put upon its passage, whereupon the yeas and nays, being called for by Messrs. Bradford and Bellamy were taken as follows—Those voting in the affirmative were Mr. President, Messrs. Bell, Compton, Gautier, Howard, McBride, Priest, Riz, Smith, Ward, Warren and Wright—12—Those in the negative were Messrs. Bellamy, Bradford, Cooper, and Meacham—4—So the resolution was passed.

On motion of Mr. Warren, the house then took a recess for thirty minutes,—At the expiration of which time it was again called to order, and proceed to the election of eight enrolling and engrossing clerks; Messrs. Harris, Holmes, Gunn, Perpall, Mays, Hughes, Reid, and Wallen were elected.

Mr. Warren offered the following resolution, viz:

Resolved, that the House do proceed to the election of a printer, for the present session which is ordered to lie on the table until to-morrow.

The following message having been received from His Excellency the Governor was read, and on motion of Mr. Bellamy five hundred copies were ordered to be printed.

GENTLEMEN OF THE LEGISLATIVE COUNCIL:—

The continued improvement of our territory, its increasing prosperity, and the comparative exemption of our citizens from disease, while a dreadful pestilence has visited, with appalling violence, many parts of the United States, afford to us no inconsiderable cause of gratulation with each other, and should inspire the deepest feelings of gratitude to Almighty Providence, who hath thus favoured and protected us. Entering upon the performance of the duties that call us together, it should not only be our first wish, but our most earnest endeavour to secure the future extension and continuance of these blessings by promoting a spirit of good will, harmony, and conciliation. Without such spirit, our labours cannot be performed, either advantageously to the people and the government, of which we are the agents, or pleasantly and creditably to ourselves. If, therefore, aught of unkind feeling has existed among us; whether it has arisen from those political collisions so often occurring in all free governments, or from any other causes; banish it on this occasion at least, from among us. Let not such feeling induce us to support, nor



stimulate us to oppose any measure. If, unfortunately, adverse interests come into conflict, our efforts should be directed to a compromise, which, while it secures the interests of all, inflicts injury upon none. Every difference conciliated, and each of us prompted only by the laudable ambition of promoting the public good, our united efforts cannot fail to effect salutary and useful results.

The duties of a legislator in a new country and under the territorial form of government, are in some respects more difficult and arduous than in the States. In the latter, and especially in the oldest, the community has become settled; the various interests of the country, and its resources have been generally developed, the system of government and law, and the habits and customs of the population have become permanently established. Written constitutions distinctly mark out the duties of their legislators on all fundamental questions, and they have, therefore, a plain and beaten path before them. The situation of our territory is widely different. Many of its most valuable resources are comparatively unknown; the interests of its various sections have not yet been fully established, and changing as the population constantly is, by continued accessions from every section of the Union, it has not yet assumed that distinctive character, & that assimilation of opinions and habits, which long residence and association produce. On the contrary, almost every emigrant has his own peculiar notions of legislation. Each has a partiality for some particular system. Consequently our past legislation has not only been unsteady & variable, but often inconsistent. With eleven years' experience, it is time that our enactments should lose this character, and become more permanent and uniform.

In the communications I have heretofore made upon the annual convention of the council, I have repeatedly adverted to the subject of general education, as one of the most interesting and important character, and I again feel it my duty to press it upon the notice of the council,—Congress has made a munificent donation of land for the establishment of our University, and the reservation by law, of every sixteenth section of land throughout the territory, to aid in the maintenance of primary schools is calculated to insure, and render them permanent. Your attention is invited to a revision of the laws regulating these lands, and the adoption of a system, if practicable, by which the benefits to be derived from them, can be enjoyed by the people as early as possible. It would be superfluous in me to repeat on this occasion, the many strong arguments which

might be urged to encourage us, to the extent of our ability, in adopting some general system of education for our youth. We may not agree in all respects as to the details of such a system: we may differ in opinion as to forms and particular regulations, but we should not suffer such differences to defeat or delay an object of such general and essential interest.

Notwithstanding the improving condition of our territory, by favorable crops, and its general health during the past year, considerable embarrassment has been experienced by all classes in this community, but more especially by the planting interest, in consequence of the limited amount of the circulating medium in Florida. This must be, in a measure, the case in all newly settled countries; but the causes of this evil existing in a greater degree here, are to be found in the character of our labor, and the heavy expenses necessarily incurred in our preliminary preparations, and in the culture of our products. Our commerce and geographical position have added greatly to the general embarrassments of the country, inasmuch as our necessary supplies are transported from a great distance, and the high prices and freights have, as usual, at last fallen upon the planter. To operate to advantage the planter, after the purchase of his land and slaves, must have pecuniary aid for a time. He cannot expect in a heavily timbered forest to make even his necessary expenses the two first crops. The land is to be divested of its timber, and the soil even then requires great labor to prepare it for the plough. The buildings requisite for a family as well as those in which he secures and prepares his cotton, and sugar, for market, must be erected. The funds which he might profitably employ, in the improvement of his land, (thus adding to his own, and the wealth of his country,) will be diverted to meet the expenses attending the feeding and clothing of his labourers, while his crop is often lost, and the labour of a year vanishes before he is able to secure any return from his land.

With a view to mitigate these evils, the Legislative Council have, on former occasions, incorporated several Banks in different sections of the territory.—The Bank of West Florida, and the Bank of Florida in this city, incorporated in 1829 are the only institutions authorized that year, which have gone into operation. The Central Bank and the Bank of Magnolia, which were chartered during your last session, have lately been organized, and are now in action. Whether these banks have been, or will hereafter be of any extensive benefit to the community



generally, is yet a matter of doubt and speculation. The present institutions cannot afford any certain or substantial aid to the planter, without exposing him to great hazard. They are only for the special use and benefit of the merchant and as the planter's crop cannot, like a note in bank, be made renewable every sixty or ninety days, the banks now in operation can afford him little or no relief. One of the reasons for the inability or reluctance of these banks to answer, more fully, the wants of the planter, is to be found in the fact that these incorporations have brought little or no additional capital among us. Perhaps if the stockholders had retained their funds, and individually loaned the amount throughout the territory, more advantage would have accrued to the lender and the borrower. The Executive yet entertains the same sentiments that have always influenced him, in withholding his approval to the charters of some of these banks; but it is due to himself to state, that his repugnance to these charters sprang from a conviction that they were radically defective and that their operations would not benefit the community generally.— If an Institution could be established on suitable terms and under such ample security, as to induce the investment of foreign capital in it, this prominent objection would not exist. But to meet my approval it must be in fact, as well as name, truly the *Planter's Bank*. I recommend this subject to the consideration of the Legislature without intending to commit myself in any manner, for the executive can decide only when he shall have examined the details of the Law, and ascertained how far it secures and provides for the public interests.

As a measure of some importance to alleviate the pecuniary distresses of the country, it is submitted to you, to determine whether the damages on bills of exchange should not be reduced. The damages now demanded under our laws on domestic bills are ten per cent. It is believed that five per cent. on all bills of exchange, would be ample remuneration for the refusal or default of the drawer. It is deemed a sound and general rule, that Legislatures should leave exchange to regulate itself; nor is it believed that the reduction of the damages on protested bills of exchange, in any degree, violates the rule laid down. These damages are given by the Legislature, and of course may be altered and changed as it may be by them deemed expedient. It is not regulating exchange therefore, but merely a law declaring what shall be the amount of damages which the drawer shall exact, where the drawer of the bill shall fail to cash it.

The law regulating the election of the different officers of the territory, require revision and should be rendered less susceptible of misconstruction. Owing to the defects in several of the returns made to the Executive, by the officers presiding over the elections, the commissions have been delayed, as the Executive could act only in conformity with the laws. The peculiar defects in these laws have, on a former occasion, been suggested to the council, and need not be repeated here, but it is hoped that the amendments called for by experience, will be made during the session.

Some modification of the laws regulating executions, it is believed, is called for by the interests of the country, and desired by a large majority of our fellow-citizens.— The creditor should have a certain and speedy remedy against his debtor, but the Legislature should take care, while they secure the one, to guard the other against oppression and extortion. It is submitted that the law passed on this subject, at the last session, should be so modified, as to prevent such course as, under the present provisions, may be followed by the creditor.

The attachment law of the last session has also been greatly complained of on the same ground, and also as being too severe, & giving more power to the creditor than comports either with wisdom or justice. There are various other subjects, which the intelligence of the council will discover, and which will, doubtless, claim their attention, and receive the proper correction.

In closing this communication, permit me to say, that although the general prosperity of our common country, is cause of pride to every American citizen, yet occurrences have recently taken place, of the most distressing character to every true patriot. I allude to the differences between the State of South Carolina, and the General Government. It was a maxim of an ancient and renowned government most similar to our own, "Never to despair of the Republic." We will not forebode evil; we will hope and believe that both parties, by forbearance, and that spirit of concession which should be employed, will avert the terrible catastrophe of disunion. That such may be the result, and that the cause of dispute may be removed, should be the desire of every good citizen—and may God grant a speedy termination to this unhappy contest.

WM. P. DUVAL.

On motion of Mr. Wright, the House then adjourned until 10 o'clock on to-morrow.



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WEDNESDAY, JANUARY 9, 1833.

The house met pursuant to adjournment, a quorum being present, the minutes of yesterday were read.

Mr. Gautier gave notice that he will on some future day ask leave to introduce a bill to be entitled "an act concerning attachments"—also a bill to be entitled, an act amendatory to the several acts incorporating the bank of West Florida.

Mr. Ward gave notice that he will on some future day, ask leave to introduce a bill to incorporate the town of St. Marks, in Leon County.

Mr. Bradford presented a petition of Joseph W. Field and wife, praying to be authorised to sell a certain tract of land, which with the exhibit therein, was referred to the Committee on the Judiciary.

Mr. Gautier from the select committee appointed to draft rules for the government of the House, made the following report, "The Committee appointed to draft rules for the government of the Council, during the present session, have the honor to report as follows :

I. The President shall take the Chair every day precisely at the hour, to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

II. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House, by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

III. He shall rise to put the question, but may state it sitting.

IV. No member shall speak to another or otherwise interrupt the business of the Council, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in debate.

V. Every member when he speaks, shall address the chair standing in his place, and when he has finished shall sit down.

VI. No member shall speak more than twice in any one debate on the same day without leave of the Council.

VII. When two members rise at the same time, the President shall name the person to speak, but in all cases the member first rising shall speak first.

VIII. When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President without debate; subject to an appeal to the Council.

IX. If the member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

X. No member shall absent himself from the service of the Council, without leave of the President first obtained—and in case a less number than a quorum of the Council shall convene, they are hereby authorised to send the Sergeant-at-Arms or any other person or persons, by them authorised, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, res-

pectively, unless such excuse for non-attendance shall be made, as the Council, when a quorum is convened shall judge sufficient.

XI. No motion shall be debated until the same shall be seconded.

XII. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read before the same shall be debated.

XIII. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to-day certain, to commit, or to amend, which several motions shall have precedence in the order in which they stand arranged, and the motion for adjournment shall be in order, and be decided without debate.

XIV. If the question in debate contain several points, any member may have the same divided.

XV. In filling up blanks the largest sum, and longest time shall be first put.

XVI. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by vote of the Council and without debate.

XVII. When the yeas and nays shall be called for by two of the members present, each member called upon shall, unless for special reasons, be excused by the Council, declare openly, and without debate, his assent or dissent to the question.—In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

XVIII. On a motion made and seconded to shut the doors of the house, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and, during the discussion of such motion, the doors shall remain shut, and no motion shall be deemed in order, to admit any person or persons, whatsoever, within the doors of the Council Chamber, to present any petition, memorial, or address, or to hear any such read.

XIX. The following order shall be observed in taking up the business of the Council, viz: Motions, petitions, reports, resolutions of standing committees, reports of select committees, orders of the day.

XX. When a question has been once made and carried in the affirmative or negative, it shall be in order, for any member of the majority to move for the reconsideration thereof, but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession the house announcing their decision, nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Legislative Council thereafter.

XXI. On a question when the yeas and noes are called for, in the event of a tie, the question shall be decided in the negative.

XXII. All questions shall be put by the President of the Council, and the members shall signify their assent or dissent, by answering viva voce, aye or no.

XXIII. The President of the Legislative Council, or President pro tempore, shall have the right to name a member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment.

XXIV. Before any petition or memorial, addressed to the Legislative Council shall be received and read at the table, whether the same be introduced by the President or a member, a brief statement of the contents of the petition or memorial, shall verbally be made by the introducer.

XXV. One days notice, at least, shall be given of an intended motion for leave to bring in a bill; and no bill shall be written or printed, except by express order of the Council.



XXVI. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first second or third; which readings shall be on three different days, unless the Legislative Council unanimously direct otherwise.

XXVII. No bill shall be committed, or amended, until it shall have been twice read, after which it may be referred to a committee.

XXVIII. The final question upon the second reading of every bill, resolution or motion, requiring three readings previous to being passed, shall be "whether it shall be engrossed and read a third time." And no amendment shall be received for discussion at the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order before the final passage of any such bill, resolution or motion, to move its commitment and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution or motion shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be put.

XXIX. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

XXX. The following standing committees to consist of not less than three members each, shall be appointed at the commencement of each session, with leave to report by bill or otherwise: A committee on the Judiciary, a committee on the Militia, a committee on Finance, a committee on Elections, a committee on Claims, a committee on Schools and Colleges, a committee on the state of the Territory, a committee on Enrolled bills.

XXXI. All confidential communications made by the Governor of the territory of Florida, to the Legislative Council, shall be by the members thereof kept secret, until the Council by their resolution, take off the injunction of secrecy.

XXXII. All information or remarks, touching or concerning the character or qualifications of any person nominated by the Governor to office, shall be kept secret.

XXXIII. When acting on confidential, or Executive business, the house shall be cleared of all persons, except the Clerk the Sergeant-at-Arms, and Door-Keeper.

XXXIV. The proceedings of the Legislative Council, when not acting as in committee of the whole, shall be entered on the journals as concisely as possible, care being taken to detail a true and accurate account of the proceedings.

XXXV. Messengers may be introduced in any stage of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

XXXVI. The governor and Secretary of the territory, former members of the Council, and the Judges of the Superior Courts shall be admitted to a seat within the bar of this house, upon being invited by any member of the Council.

Which on motion of Mr. Gautier, was concurred in, and fifty copies are ordered to be printed.

The resolution offered on yesterday by Mr. Warren, to select a printer for the session, was had under consideration. Mr. Bellamy moved as an amendment thereof, the following, which was accepted by Mr. Warren.

Resolved, That a select Committee be appointed to make a Contract for the printing, that may be ordered by

the Council, which was passed—Messrs. Warren, Bellamy, and Ward, were appointed on that Committee.

The following standing Committees were appointed on the Judiciary, Messrs. Wright, Bellamy, Smith, Gautier, Ward, and Bradford.

On Finance—Messrs. Bellamy, Bradford, Meacham, Cooper, and McBride.

On Claims—Messrs. Warren, Priest, Compton, Howard, and Bell.

On Militia—Messrs. Priest, Warren, Bell, Riz and Cooper.

On Enrolled Bills—Messrs. Cooper, Bradford, Meacham, Riz, and Compton.

On the state of the Territory—Messrs. Gautier, Smith, Ward, Wright, and McBride.

On Schools and Colleges—Messrs. Smith, Bellamy, Wright, Gautier, Warren and Howard.

On Elections—Messrs. Meacham, Priest, Compton and McBride.

On motion of Mr. Ward, a standing Committee on Banks was ordered, Messrs. Ward, Gautier, Warren and Riz were appointed.

Mr. Wright moved that a standing Committee on Agriculture, be appointed, which was passed. Messrs. McBride, Wright, Smith, Howard, Priest, and Compton were appointed on that Committee.

Mr. Meacham moved that a Committee of three be appointed to make arrangements for a room for the clerks, which was carried; Messrs. Meacham, Wright and Bradford were appointed on that Committee.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, January 10, 1833.

The House met pursuant to adjournment, a quorum being present, the minutes of yesterday were read. Mr. Gautier moved to dispense with recording on the journal, so much of the report made by him yesterday as is contained in the rules reported; which was concurred in by the house.

Mr. Howard gave notice that on some future day, he will ask leave to introduce a bill to be entitled, an act to amend an act, concerning estrays &c.—also a bill to be entitled an act to amend an act regulating patrols.

Mr. Wright gave notice that he will on some future day, ask leave to introduce a bill to be entitled an act, to extend the time for subscribing for the stock of the Bank of Pensacola.



Mr. Bellamy gave notice that he will on some future day, introduce a bill, to establish a ferry on Suwannee River.

Mr. Warren presented the presentments and petition of the Grand Jury of Duval County, which were read, and on motion of Mr. Warren, referred to a select committee; Messrs. Warren, Wright, Bradford, Gautier and Cooper, were appointed on that committee.

Mr. Warren presented the petition of James C. Mangham, praying a divorce; which on motion of Mr. Warren was referred to a select committee; Messrs. Warren, Ward, Bradford and Bell were appointed on that committee.

Mr. Bellamy presented the petition of Paul McCormick, praying a charter for a ferry on Suwannee at the mouth of Withlacoochy, which on motion of Mr. Bellamy was for the present laid on the table.

Mr. Bell presented the petition of John Bryan, praying a divorce from his wife, which on motion of Mr. Bell, is referred to a select committee; Messrs. Bell, Warren and Cooper were appointed on that committee.

Mr. Bradford presented the petition of sundry citizens of St. Marks, praying for the establishment of a ferry on the Wakulla near St. Marks, which on motion of Mr. Bradford was referred to a select committee; Messrs. Bradford, Bellamy and Ward were appointed on that committee.

Mr. Bellamy offered the following resolution viz: Resolved, that so much of the Governor's message as relates to agriculture, be referred to the committee on agriculture.

That so much as relates to education, be referred to the committee on Schools and Colleges. That so much as relates to Banks and Bills of exchange, be referred to the committee on Banks. That so much as relates to elections, be referred to the committee on elections.

And that so much as relates to executions and attachments be referred to the committee on the Judiciary, which on motion of Mr. Bellamy was adopted.

Mr. Warren from the committee appointed to contract for printing—reported as follows: "I will print the laws enacted by the present Legislative Council, in pamphlet form, on the same type and in the same form as those of the last Council, for 250 per page, furnishing 750 copies, and will publish the same in the Floridian for 125 per page—I will also publish the Journals in pamphlet form at 200 per page, furnishing 450 copies.

I will print such bills as may be ordered by the house at seven cents per hundred words, counting nineteen copies.

and will furnish any number of extra copies which may be ordered, for four dollars per hundred sheets. I will also do the other miscellaneous printing of the house for five cents per hundred words, counting nineteen copies, and will furnish extra copies at four dollars per hundred sheets. The whole to be executed with neatness and despatch."

WM. WILSON.

Tallahassee, January 10, 1833.

Which on motion of Mr. Bradford, was for the present laid on the table.

Mr. McBride offered the following resolution: Resolved that the subordinate clerks be required to furnish the printer with a copy of the journals of the present Council for publication in the Floridian, and moved that the same be passed, which was carried in the affirmative.

Mr. Bellamy moved the following as an amendment of the rules.

37. The clerk of the Legislative Council shall be sworn by the President to discharge faithfully and diligently the duties of his office, and to keep secret the proceeding of the house when sitting with closed doors.

38. The Sergeant at Arms and the Door Keeper shall by the President be severally sworn, faithfully to discharge their duties, and not divulge the proceedings of the house when in secret session.

39. No bill shall be introduced into the house on the three last days of the session.

Mr. Gautier moved to amend the amendments of the rules proposed by substituting the following in lieu of the 37th and 38th as the 37th rule of the house viz:

The clerk of the Legislative Council, the Sergeant at Arms, and the Door Keeper, shall severally be sworn by the President of the Council, well and faithfully to discharge their respective duties, and to keep secret the proceedings of the house, when sitting with closed doors.

Which was accepted by Mr. Bellamy, and thereupon, on motion of Mr. Gautier adopted by the Council.

Mr. Bellamy moved that the remaining amendment proposed in the rules, be passed by the house as the 38th rule thereof which is adopted.

Mr. Bellamy moved to rescind the order directing fifty copies of the rules to be printed, which motion passed in the affirmative.

The house then adjourned until 10 o'clock on tomorrow morning.

FRIDAY, January 11, 1833.

The house met pursuant to adjournment, a quorum be-



ing present, the journal of the proceedings of yesterday was read.

Mr. Gautier, pursuant to previous notice, moved to introduce a bill to be entitled, "An act, amendatory of the several acts incorporating the Bank of West Florida, which was read the first time and on motion of Mr. Gautier referred to the committee on Banks.

Mr. Warren gave notice that on some future day, he will ask leave to introduce a bill to be entitled, "An act to incorporate the Bank of Apalachicola," also a bill to be entitled an act for the relief of Duval County, also a bill to be entitled "An act to declare the Ocklawaha a navigable river."

Mr. Bellamy, pursuant to previous notice heretofore given, asked and obtained leave to introduce a bill to be entitled "An act to establish a ferry across Suwannee river," which was read the first time and on motion of Mr. Warren made the order of the day for monday next.

Mr. Warren presented the presentments and petition of the Grand Jury of Duval County, praying to be released from territorial taxes for the next four years, and for other purposes therein expressed. On motion of Mr. Warren Resolved, that so much of the presentments of the Grand Jury of Duval County as relates to the fiscal concerns of the territory, be referred to the committee on Finance, and so much thereof as relates to the appointment of officers and elections be referred to the committee on elections.

Mr. Bradford from the select committee to whom was referred the petition of sundry inhabitants of St. Marks, praying the establishment of a ferry over the Wakulla river, reported a bill to be entitled "An act to establish a ferry over the Wakulla river at St. Marks," which was read the first time, and on motion of Mr. Bradford made the order of the day for tomorrow.

On motion of Mr. Ward, Mr. Bradford was added to the select committee on printing. Mr. Ward asked and obtained leave to withdraw the report heretofore made by the committee on printing and to be permitted to report on some future day.

Mr. Bell from the select committee to whom the same was referred, reported a bill to be entitled "an act for the relief of John Bryan," which was read the first time, and on motion of Mr. Bell made the order of the day for monday next.

The following communication from his excellency Governor Duval, was read and on motion of Mr. Ward was

with a statement exhibiting the condition of the Central Bank of Florida, therein enclosed referred to the committee on Banks.

EXECUTIVE OFFICE TALLAHASSEE, }  
January 10, 1833. }

SIR—Enclosed I transmit the statement of the Cashier Central Bank of Florida, of the condition of said Bank, to be laid before the Council.

I am Sir, respectfully, &c. Wm. P. DUVAL.  
Hon. J. P. Booth,

President of the Legislative Council.  
CENTRAL BANK OF FLORIDA, }  
January 8, 1833. }

To His excellency W. P. Duval, Governor of Florida.

SIR—I have the honor herewith to enclose you a statement shewing the condition of this Bank on the 7th inst.

I am very respectfully,

Your ob't Servant,

BEN CHAIRES, *President.*

A STATEMENT EXHIBITING THE CONDITION  
OF THE CENTRAL BANK OF FLORIDA, JAN-  
UARY 7th 1833.

Dr.

Capital Stock paid in	30,000 00
Notes in circulation,	27,126 00
Amount due to other Banks,	1,965 43
Personal deposits,	7,622 56
Profits since first Nov. last,	948 83

\$67,662 82

Cr.

Gold and Silver	\$18,324 45	}	\$27,072 45
U. S. Bank notes,	2,270 00		
Notes of other Banks,	6,487 00	}	4,400 00
Bill of Exchange discounted,			
Notes discounted,			12,444 56
Due by other Banks,			22,741 24
Current expenses,			1,004 57

\$67,662 82

Central Bank of Florida January 8th 1833.

L. A. THOMPSON, *Cashier.*

On motion of Mr. Wright, the house then adjourned until tomorrow morning 10 o'clock,



SATURDAY, January 12, 1833.

The house met pursuant to adjournment, a quorum being present the journal of proceedings had, on yesterday was read.

Mr. Blount, a member elect from the county of Escambia, appeared was duly qualified and took his seat.

Mr. Wright pursuant to previous notice, asked and obtained leave to introduce a bill to extend the time limited by law for subscribing for the capital stock of the bank of Pensacola; which, on his motion was read and made the order of the day for monday next.

Mr. Bradford presented a petition of Allen W. Coleman, which was read and on his motion referred to the committee on Claims.

Mr. Howard pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled an "Act concerning estrays," which was read the first time and on his motion was made the order of the day for wednesday next, and seventeen copies are ordered to be written.

Mr. Priest presented the petition of sundry inhabitants of Alachua, Columbia and Hamilton counties, praying to exempt James Johnson from the law imposing a tax on hawkers and pedlars, and for other purposes; which was read and on his motion referred to the committee on Finance.

Mr. Gautier offered the following resolution viz:

Resolved, That Mr. Blount a member from Escambia county, be appointed on the following committees viz: The committee on the Judiciary, the committee on Claims, and the committee on Banks, which on his motion was adopted.

Mr. Warren from the select committee on Printing made the following report.

The committee charged to ascertain the terms upon which the printing of the present council can be done, beg leave to report that the proposal of Mr. Wilson hereto appended, is the only proposal that has been received, that no other press in this part of the country is prepared to engage in such business, and that they believe the terms proposed are the lowest that can be obtained.

All of which they respectfully submit,

JOHN WARREN, CHAIRMAN.

Tallahassee, January 11, 1833.

I will print in pamphlet form, with the same type and in pages of the same size as those of last year, the laws enacted by the present Legislative Council, for two dollars

and fifty cents per page furnishing seven hundred and fifty copies; the work to be executed within six weeks after the adjournment of the Council, or sooner if practicable. I will publish the same in the Floridian at one dollar and twenty-five cents per page. I will publish the journals free of charge and will print the same in pamphlet form at two dollars per page furnishing four hundred copies in the same manner as last year.

Such bills as the house may order will be printed on foolscap paper with blank spaces between the lines for seven cents per hundred words counting each word in nineteen copies, and extra copies will be furnished for four dollars the hundred sheets. The reports and miscellaneous job work of the house will be printed for five cents the hundred words, counting each word in the first nineteen copies, and extra copies will be furnished for four dollars the hundred sheets. The whole will be executed with the utmost promptitude after it may be ordered.

WM. WILSON.

Mr. Bradford moved to postpone the consideration of the report which did not prevail.

Mr. Warren moved that the report be adopted, and that the committee on printing have leave to contract with Mr. Wilson in conformity with his proposal for the printing which shall be required during this session of the Council, which was agreed to by the house.

A bill to be entitled "An act to establish a ferry over the Wakulla river at St. Marks," was read the second time, and on motion of Mr. Bradford ordered to be engrossed and made the order of the day for monday next.

A report and account current of Charles Austin, Territorial Treasurer of Florida, was received and read and on motion of Mr. Wright referred to the committee on Finance.

On motion of Mr. Warren the house then adjourned until monday morning next at 10 o'clock.

MONDAY, January 14, 1833.

The house met pursuant to adjournment, a quorum being present, the journal of proceedings had on Saturday last was read.

Mr. Gautier gave notice that he will on some future day, ask leave to introduce a bill concerning injunctions, and writs of *ne exeat*—also a bill to be entitled "An act to establish the time for holding the Superior Courts, in the Western Judicial District.

Mr. Ward gave notice that on some future day, he will ask leave to introduce a bill to be entitled an "Act concern-



ting the authentication of conveyances, and other instruments of writing relating to lands in Florida,"—also a bill to be entitled "An act directing the course of proceedings in suits in chancery against absent debtors, and other absent defendants, and for settling the proceedings against absconding debtors.

Mr. Howard pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "an act concerning patrols"; which on his motion was read by its title the first time, and referred to the committee on the Judiciary.

Mr. Bell gave notice that he will on some future day, ask leave to introduce a bill for the purpose of establishing a ferry on the Withlacoochy river.

Mr. Bradford gave notice that he will after today ask permission to introduce a memorial to Congress, requesting that donations of land be made to all persons who have, or may hereafter settle on public lands in this territory.

Mr. Warren gave notice that on some future day he will ask leave to introduce a bill to regulate the pilotage of St. Johns and Nassau rivers.

Mr. Compton gave notice that on some future day, he will ask leave to introduce the following bills.

A bill to be entitled "an act, regulating the rate of interest,—and a bill authorising the appointment of guardians or agents for free persons of colour."

Mr. Bellamy presented the petition of William Hilliard, and others, which was read, and on his motion referred to the Committee on Claims.

Mr. Bell presented the petition of Rhoda Taylor, praying a divorce, which on his motion was read and referred to a select committee; Messrs. Bell, Warren, Gautier and Cooper were appointed.

On motion of Mr. Meacham—Resolved that Mr. Blount be added to the committee on elections, which resolution was adopted.

Mr. Riz introduced the following resolution viz :

Resolved, That the committee on the Judiciary, be instructed to enquire into the expediency of altering the mode of drawing Grand, and Petit Jurors, and have leave to report by bill or otherwise—which on motion of Mr. Gautier was adopted.

Mr. Wright introduced the following resolution viz :

Resolved, That the committee on Finance, be directed to enquire whether any further legislation be necessary, in regard to the ascertaining of the debts due by and to the

Territory, (which on motion of Mr. Bradford was amended by adding) And also to enquire into the expediency of repealing an act approved 12th February 1832, entitled an act to provide for the speedy settlement of all arrears due the Territory of Florida—which as amended was, on motion of Mr. Bradford, adopted.

Mr. Warren offered the following resolution, viz :

Resolved, That the committee on Finance, be directed to ascertain, and report to this house, whether the several auctioneers in this Territory have made exhibits of sales made by them respectively to the Treasurer's office, in the manner prescribed by law, which on his motion was adopted.

A bill to be entitled "an act for the relief of John Bryan, was read the second time and on motion of Mr. Bell, ordered to be engrossed for a third reading.

A bill to extend the time limited by law, for subscribing for the capital stock of the Bank of Pensacola, was read the second time, and on motion of Mr. Bellamy was ordered to be engrossed and read a third time on tomorrow.

A bill to be entitled an act to establish a ferry across Suwannee river, was read the second time. The house then resolved itself into committee of the whole, and had the said bill under consideration—Mr. Warren from that committee reported the said bill to the house, with sundry amendments, which were concurred in by the house, and on motion of Mr. Bellamy was ordered to be engrossed for a third reading on tomorrow.

An engrossed bill entitled "an act to establish a ferry over the Wakulla river at St. Marks" was read a third time and passed—ordered that the title be as above.

Mr. President laid before the council, a communication from Turbutt R. Betton, Commissioner of Tallahassee, containing a statement of the accounts and transactions of his office, which was read, and on motion of Mr. Ward referred to the committee on Finance.

On motion of Mr. Meacham the house then adjourned until tomorrow morning 10 o'clock.

TUESDAY, January 15, 1833.

The house met pursuant to adjournment, a quorum being present the journal of yesterday's proceedings was read.

Mr. Meacham gave notice that he will on some future day, ask leave to introduce a bill authorising the officers and members of Washington Lodge, No. 1 at Quincy, to raise a certain sum of money by lottery.

Mr. Warren pursuant to previous notice, asked and ob-



tained leave to introduce a bill to be entitled "an act to incorporate a Bank in the town of Apalachicola," which on his motion was read by its title the first time and referred to the committee on Banks.

Mr. Ward presented the petition of sundry inhabitants of St. Marks, praying an act of incorporation, which on his motion was read, and referred to a select committee; Messrs. Ward, Bradford and Bellamy were appointed.

Mr. Cooper offered the following, Resolved that the committee on the Judiciary be instructed to enquire into the expediency of granting another term of the Superior Court for the county of Nassau—and that they have leave to report by bill or otherwise, which on his motion was adopted.

Mr. Gautier offered the following, Resolved that the committee on the state of the Territory, be instructed to enquire into the expediency of addressing a memorial to the authorities of Georgia, and Alabama respectively, on the subject of a cession of the border counties of those States; The Geographical position of which, render it proper that they should be annexed to Florida, with a view to facilitate our admission into the Union as a State, which on his motion was adopted.

Mr. Compton offered the following—Resolved that the committee on the Judiciary, be instructed to enquire into the expediency of revising our present county court system, and that they have leave to report by bill or otherwise.

Mr. Ward from the committee, on Banks, to whom was referred so much of the Governor's message as relates to Banks, and Bills of exchange, reported a bill to be entitled "An act to incorporate the subscribers to the Union Bank of Florida, which on motion of Mr. Bellamy was read by its title, and eighteen copies are ordered to be written.

Mr. Ward from same committee to whom had been referred a bill to be entitled an act amendatory of the several acts incorporating the Bank of West Florida, reported the same without amendment, whereupon on motion of Mr. Gautier it was read a second time by its title, and made the order of the day for today.

Mr. Bellamy from the committee on Finance, made the following report which was read and on his motion adopted.

The committee on Finance, to whom was referred the petition of sundry inhabitants of Alachua, Columbia and Hamilton counties praying to exempt James Johnson from the law imposing a tax on hawkers and pedlars, or to re-

duce the tax on hawkers and pedlars—beg leave to report that they have had the same under consideration, and that no sufficient reason has occurred to them, for granting the prayer of the petitioners. To exempt James Johnson alone, from the operation of that law, would on every view, be granting him an exclusive privilege, incompatible with the principles of legislation, and on a subject where it is believed no precedent can be found to sustain such an application. The committee are of opinion, that public opinion, and general policy both forbid, any reduction of the tax imposed by law on hawkers and pedlars; They therefore beg to be discharged from any further consideration of the subject. All which is respectfully submitted.

A. BELLAMY,

CHAIRMAN,

The engrossed bill entitled "An act to establish a ferry across Suwannee river"—was read a third time, and passed, ordered that the title be as above.

The engrossed bill to be entitled "an act for the relief of John Bryan" was read a third time, and the question being, shall this bill be passed into a law, the yeas and nays were called by Messrs. Bellamy and Bradford, and were as follows, viz: Yeas, Mr. President, and Messrs. Bell and Warren, 3. Nays, Messrs. Bellamy, Blount, Bradford, Compton, Cooper, Gautier, Howard, McBride, Meacham, Priest, Riz, Smith and Ward, 13. So it was decided in the negative.

The house went into committee of the whole on the bill to be entitled "an act amendatory of the several acts incorporating the Bank of West Florida," and after some time spent therein, the committee arose, Mr. Bellamy from said committee, reported the bill without amendments, which report was adopted by the house.

Mr. Gautier moved that the rule of the house be waived, that the said bill be read a third time and and put upon its passage—which is agreed to by the house. The question, shall this bill be passed into a law, was then decided in the affirmative—ordered that the title be as before stated.

A bill to extend the time limited by law for subscribing for the stock of the Bank of Pensacola, was on motion of Mr. Gautier laid on the table.

The house then adjourned until 10 o'clock tomorrow.

WEDNESDAY, January 16, 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Chandler, a member from Monroe county, appeared, was duly qualified and took his seat.



Mr. McBride gave notice that he will, on some future day ask leave to introduce a bill amendatory of and in addition to, an act to alter and amend the several acts, relating to roads, highways and bridges in this territory, passed February 1st 1832—and also a bill authorizing the county courts, in this territory to appoint a county treasurer in their respective counties.

Mr. Cooper moved, that the President do now proceed to swear the chief clerk, sergeant at arms and door keeper, which motion was decided in the affirmative.

Jos. B. Lancaster chief clerk, James Bryan jr. sergeant at arms, and Moses Ellis door keeper, were severally sworn, well and faithfully to discharge the duties of their respective offices, and to keep secret the proceedings of the house when sitting, with closed doors.

Mr. Blount offered the following Resolution, viz :

Resolved, That Mr. Chandler the delegate from Monroe county, be added to the following committees—The Judiciary, Claims, and Elections, which was adopted.

Mr. Warren moved that the rule of the house be waived, and that he have leave to introduce a bill to be entitled “an act to revive, and continue in force an act establishing a ferry over St. Johns at Jacksonville, which motion prevailed, whereupon, the said bill was introduced read the first time, and made the order of the day for tomorrow.

Mr. Wright introduced the following Resolution, viz :

Resolved, That the committee on the Judiciary, be instructed to enquire into the expediency of altering and amending the present tariff of fees for the officers of the courts of this territory : which was adopted on his motion.

A bill to be entitled “an act concerning estrays,” was on motion of Mr. Howard, postponed, and made the order of the day for tomorrow.

An engrossed bill entitled “an act to extend the time limited by law, for subscribing for the stock of the Bank of Pensacola” was read a third time and passed—ordered that the title be as above.

A bill to be entitled “an act to incorporate the subscribers to the Union Bank of Florida,” was read a second time and on motion of Mr. Bellamy ordered to be referred to a committee of the whole on tomorrow.

On motion of Mr. Howard the house then adjourned until tomorrow morning 10 o'clock.

THURSDAY, January 17, 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterdays proceedings was read.

Mr. Meacham pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled “an act to authorize the commissioners therein named to establish a Lottery”—which was read the first time, and on his motion made the order of the day for monday next.

Mr. Cooper presented the petition, of Shannon and Ballaugh praying to be relieved from double taxes, which was read and on his motion referred to the committee on Claims.

Mr. Gautier presented the petition of Reuben Scott, which on motion of Mr. Ward, was laid on the table until the first day of June next.

Mr. Blount introduced the following resolution viz :

Resolved, That a select committee be appointed to enquire into the expediency of petitioning Congress to re-organize the territorial government so as to authorize the people, to elect the Governor and Secretary, and to add a Senate to the Legislative body, which on his motion was adopted; Messrs. Blount, Smith, Wright, Bellamy and Chandler were appointed.

Also the following—Resolved that the committee on the Judiciary, be instructed to enquire into the expediency of petitioning Congress to increase the salaries of the several Judges of the Superior Courts of the territory, which on his motion was adopted.

Mr. Chandler introduced the following resolution, viz :

Resolved, That the Judiciary committee, be instructed to enquire into the expediency of revising the existing criminal statutes of the territory, and to report by bill or otherwise, which on his motion was adopted.

A bill to be entitled “an act to revive and continue in force, an act establishing a ferry over St. Johns at Jacksonville” was on motion of Mr. Warren referred to the committee on the state of the territory.

A bill to be entitled “an act concerning estrays” was, on motion of Mr. Compton, referred to the committee on agriculture.

A bill to be entitled “an act to incorporate the Union Bank of Florida”—which is referred to a committee of the whole house, was on motion of Mr. McBride postponed until Tuesday next, and made the order of the day.

On motion of Mr. Meacham, the house then adjourned until tomorrow 10 o'clock.

FRIDAY, January 18, 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterdays proceedings was read.

Mr. Bellamy introduced the following resolution viz :

Resolved, That all resolutions introduced into this house, shall of course lie on the table one day, which on his motion was adopted.

Mr. Gautier introduced the following resolution viz :

Resolved, That the auditor be directed to pay over to the marshal of the Western Judicial District, his charges for services rendered to the territory; where such charges are allowed by the Judge of the Superior Courts of said District—and in cases where the rendition of such services is not within the knowledge of said Judge, then the auditor shall be authorised to allow the same, upon satisfactory evidence that they were performed by said marshal, which is laid on the table until tomorrow.

Mr. Bellamy introduced the following resolution viz :

Resolved, That the Treasurer of this Territory be directed to subscribe for fifty copies of the proposed publication of J. D. Westcott, Jr. of the decisions of the court of appeals of this



Territory, the copies to be fall bound, and that he be directed to pay for the said fifty copies, on delivery of the same to the Governor for the use of the Territory out of any money in the Treasury, not otherwise appropriated, according to the terms of the proposals for said publication.

Mr. Wright from the committee on the Judiciary to whom the same was referred, reported a bill to be entitled "an act concerning patrols," with sundry amendments, which was read the first time by its title, and on his motion made the order of the day for today.

Mr. Ward from the committee on Banks to whom the same had been referred, reported a bill to be entitled "an act to incorporate a Bank in the town of Apalachicola," which was read the first time, and made the order of the day for monday next, and eighteen copies are ordered to be written.

Mr. Ward from the select committee to whom had been referred, the petition of sundry inhabitants of St. Marks, praying an act of incorporation—reported a bill to be entitled "an act to incorporate the town of St. Marks"—which on his motion was read by its title the first time, and made the order of the day for monday next.

A bill to be entitled "an act concerning patrols," from the orders of the day, was read a second time by its title, when the house resolved itself into a committee of the whole upon said bill, and after sometime spent therein arose, when Mr. Bradford from said committee reported progress and asked leave to sit again on Tuesday next, which is concurred in by the house, and on motion of Mr. Gautier eighteen copies of said bill are ordered to be written.

The house then adjourned until tomorrow morning at 10 o'clock.

#### SATURDAY, January 19, 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Chandler gave notice that he will on monday next ask leave to introduce a bill to be entitled "an act to incorporate the protestant Episcopal Congregation of Key West,"—also that he will on some future day ask leave to introduce a bill to be entitled "an act to incorporate the Columbian Salt Company at Key West."

Mr. Compton gave notice that he will on some future day, ask leave to introduce a bill to preserve the navigation of cold water creek in Escambia county.

Mr. Gautier, pursuant to previous notice asked and obtained leave to introduce a bill to be entitled an act in relation to injunctions, which on his motion, was read the first time by its title, and referred to the Judiciary committee.

Mr. Bell pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "an act to establish a ferry across the Withlacoochy river, which on his motion was read and made the order of the day for monday next.

Mr. McBride, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "an act to author

county courts to appoint a county treasurer, in their respective counties," which was read the first time and on his motion made the order of the day for wednesday next.

Mr. McBride presented the petition of Jonathan Robinson and Sarah N. Stone Exr. and Extr. of the last will and testament of John Collins dec'd. which was read, and on his motion referred to the Judiciary Committee, with leave to report by bill or otherwise.

Mr. Priest offered the following resolutions viz:

Resolved, That our Delegate in Congress be requested to use his best exertions to procure an additional member to the legislative council for the counties of Alachua and Columbia, in east Florida.

Resolved, That the President of the legislative council, do cause to have made out and transmitted to the delegate, a copy of these resolutions with all convenient despatch; which are laid on the table until monday next.

Mr. Cooper from the committee on enrolled bills, reported the following as correctly enrolled.

An act to establish a ferry across Suwannee river.

An act amendatory of the several acts incorporating the bank of West Florida,—and an act to extend the time limited by law, for subscribing for the stock of the bank of Pensacola, which were severally signed by the President of the legislative council.

The resolution offered on yesterday by Mr. Gautier, was read from the orders of the day, and on his motion laid on the table.

The resolution offered on yesterday by Mr. Bellamy, was on his motion postponed to some future day.

On motion of Mr. Warren the house then adjourned until monday next at 12 o'clock.

#### MONDAY, January 21, 1833.

The house met pursuant to adjournment, a quorum being present the journal of saturday's proceedings was read.

Mr. Chandler gave notice that he will on some future day ask leave to introduce a bill to be entitled "an act amendatory of the several acts to provide for the building a jail at Key West."

On motion of Mr. Bellamy, Mr. Blount was added to the committee on Finance.

Mr. Gautier gave notice that he will on some future day ask leave to introduce a bill to be entitled "an act to provide for holding the next session of the legislative council, and the term of the court of appeals in the city of St. Augustine."

Mr. Chandler pursuant to previous notice asked and obtained leave to introduce a bill to be entitled "an act to incorporate the protestant Episcopal Congregation of Key West," which on his motion was read the first time by its title and made the order of the day for wednesday next.

Mr. Compton pursuant to previous notice asked and obtained leave to introduce a bill to be entitled an "act regulating the rate of interest, which was read the first time and on his motion



Made the order of the day for thursday next, and 18 copies are ordered to be written.

Mr. Meacham gave notice that he will on some future day, ask leave to introduce a bill to alter the time of holding the county court of Gadsden county.

Mr. Bradford presented the memorial of Jesse H. Willis, which was read, and on his motion referred to a select committee, Messrs. Bradford, Smith, Bellamy, Wright, Blount and Chandler were appointed.

Mr. Warren presented the petition of Isaac Varu praying a divorce, which was read and on his motion referred to a select committee, Messrs. Warren, Gautier and Ward were appointed.

Mr. Bellamy offered the following resolution viz :

Resolved, That the committee on finance be authorized to employ a clerk. The rule of the house being waived the said resolution was put upon its passage and adopted.

A bill to be entitled "an act to authorise the commissioners therein named to establish a lottery, was read a second time from the orders of the day, when the house resolved itself into a committee of the whole, and had the same under consideration. Mr. Bellamy from said committee reported the bill without amendment, which was concurred in by the house, and the said bill was on motion of Mr. Meacham, referred to the committee on schools and colleges.

A bill to be entitled "an act to incorporate the town of St. Marks," was read a second time from the orders of the day, when the house resolved itself into a committee of the whole, and had the same under consideration. Mr. Gautier from said committee reported the bill with amendments, which was concurred in by the house, and the said bill was ordered to be engrossed and read a third time on thursday next.

The resolution heretofore introduced by Mr. Gautier concerning the marshal of West Florida, was indefinitely postponed.

A bill to be entitled "an act to establish a ferry across the Withlacoochy river," was read a second time from the orders of the day, and ordered to be engrossed and read again on tomorrow.

The resolutions offered by Mr. Priest on saturday last, were read and on his motion put upon their passage, which motion prevailed, and the said resolutions are adopted.

A bill to be entitled "an act to incorporate a bank in the town of Apalachicola," from the orders of the day was taken up, and on motion of Mr. Warren postponed until wednesday next.

The house then adjourned until 10 o'clock to-morrow.

TUESDAY, January 22, 1833.

The house met pursuant to adjournment, a quorum being present the journal of yesterdays proceedings was read.

Mr. Meacham pursuant to previous notice asked and obtained leave to introduce a bill to be entitled "an act to alter the" was read the first time and on his motion made the order of the day for wednesday.

Mr. Blount gave notice that at some future day, he shall ask leave to introduce the following bills,

time of holding the county court of Gadsden county," which  
A bill concerning limitations of actions.

A bill concerning executors and administrators, and a bill concerning contempts of court.

Mr. Chandler introduced the following resolution :

Resolved, That a select committee be appointed, with instructions to inquire into the expediency of annulling, or modifying the provisions of the 49th section of the act of Nov. 21st 1828, entitled "an act regulating judicial proceedings" which is laid on the table until tomorrow.

Mr. Gautier from the committee on the state of the territory, to whom was referred the consideration of memorializing the states of Alabama and Georgia, upon the subject of a cession of country by those states, to the territory, reported a memorial to the authorities of those states, which was read and laid on the table.

A bill to be entitled "an act to incorporate the subscribers to the Union Bank of Florida," was taken up from the orders of the day, when the house went into committee of the whole upon said bill, after sometime spent therein the committee arose, and Mr. Warren reported progress, and asked leave to sit again on to-morrow, which was concurred in by the house.

The committee of the whole house took again under their consideration, a bill to be entitled "an act concerning patrols," and after some time spent in the consideration thereof arose, when Mr. Bradford from said committee, reported the said bill to the House with sundry amendments, which are concurred in by the house, and the said bill is ordered to be engrossed for a third reading on thursday next.

A bill to be entitled "an act to establish a ferry across the Withlacoochy," was read a third time and passed, ordered that the title be as above.

The house then adjourned until 10 o'clock to-morrow.

WEDNESDAY, January 23, 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterdays proceedings was read.

Mr. Bradford gave notice, that he will at some future day, introduce a bill to be entitled "an act more effectually, to secure the solvency of all the banks in this territory, and to subject them to the payment of damages if they refuse, or fail to pay specie for their notes when demanded."

Mr. Gautier gave notice, that he will on some future day, ask leave to introduce a bill to be entitled, "an act to amend an act to authorise the disposition and sale of certain lands, belonging to the heirs of John Tanner dec'd. and to appoint a trustee to carry the same into effect, approved 18th December 1827.

Mr. Smith gave notice that he will on some future day introduce "an act to incorporate the city of St. Augustine," and to repeal the act entitled "an act to incorporate the city of St. Augustine, approved 11th February 1831.

Mr. Cooper from the committee on enrolled bills reported as correctly enrolled, "an act to establish a ferry over the Wakulla river at St. Marks," which was signed by the President.



A bill to be entitled an act to authorise the county courts to appoint a county treasurer in their respective counties, was read a second time from the orders of the day, and ordered to be laid on the table.

A bill to be entitled an act to incorporate the protestant episcopal congregation of Key West, was read a second time from the orders of the day, and ordered to be engrossed and read a third time.

A bill to be entitled "an act to incorporate a bank in the town of Apalachicola," was read a second time from the orders of the day, when the house resolved itself into a committee of the whole, and had the same under consideration, when the committee arose and Mr. Wright from said committee, reported a bill to be entitled an act to incorporate the Commercial Bank of Florida, as a substitute therefor, and asked leave to sit again thereon, which report was concurred in by the house.

A bill to be entitled "an act to alter the time of holding the county court of Gadsden county," was read a second time from the orders of the day, and ordered to be engrossed and read a third time.

A memorial to the governors and Legislatures of the states of Georgia and Alabama, was taken up from the orders of the day, read and laid on the table.

A bill to be entitled "an act to incorporate the subscribers to the Union Bank of Florida," was from the orders of the day again taken up in committee of the whole, and after sometime spent therein, the committee arose, when Mr. Warren reported progress, and asked leave to sit again, which was concurred in by the house.

The house then adjourned until to-morrow 10 o'clock.

THURSDAY, January 24, 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterdays proceedings, was read.

Mr. Smith pursuant to previous notice asked, and obtained leave to introduce a bill entitled "an act to incorporate the city of St. Augustine," and to repeal the act entitled an act to incorporate the city of St. Augustine, approved the 11th of February 1831, which was read the first time by its title and made the order of the day for to-morrow.

Mr. Gautier pursuant to previous notice, asked and obtained leave to introduce, a bill to be entitled "an act to amend an act to authorise the sale of certain lands belonging to the heirs of John Tanner dec'd. and to appoint a trustee to carry the same into effect, which was read the first time and on his motion made the order of the day for to-morrow.

Mr. Bell gave notice that he will on some future day, introduce a bill to be entitled "an act to grant an additional term of the superior court in Hamilton county."

Mr. Compton pursuant to previous notice asked, and obtained leave to introduce a bill to be entitled an "act to prescribe the mode of appointing guardians to free negroes and other persons of colour, and for other purposes," which was read a first time by its title, and eighteen copies are ordered to be written.

Mr. Wright gave notice that he will on some future day, ask leave to introduce a bill, to provide for the government of the city of Pensacola.

Mr. Gautier gave notice that he will on some future day, ask leave to introduce a bill to be entitled "an act concerning school lands in this territory."

Mr. Warren from the select committee, to whom was referred the petition of Allen W. Coleman, praying compensation for certain services, reported a bill for the relief of Allen W. Coleman, which was read the first time and made the order of the day for to-morrow.

Mr. Warren from the committee on claims to whom the same has been referred, made the following report:

The committee on claims, to whom the petition of A. G. May and others, late clerks of the legislative council was referred, beg leave to report:

That they have had under consideration the petition, and after an attentive examination and investigation of the same, are satisfied that the prayer thereof ought not to be allowed.

Respectfully submitted,

JOHN WARREN,

CHAIRMAN.

January 24th 1833.

Resolved, That the committee on claims be discharged from the further consideration of the petition of A. G. Mays and others, late clerks of the legislative council, which was read and laid on the table until to-morrow.

Mr. Cooper from the committee on enrolled bills, reported as correctly enrolled "an act to establish a ferry across the Withlacoochy," which was signed by the President.

Mr. Gautier introduced the following Resolution, the rule being waived to wit:

Resolved, That the committee on the state of the territory, be instructed to enquire into the expediency of providing a seal with proper devices for this territory, and of establishing the same by law.

An engrossed bill to be entitled "an act concerning patrols," was read a third time and passed, the yeas and nays being called by Messrs. Bradford and Smith were as follows: Yeas, Mr. President, Messrs. Bell, Bellamy, Blount, Compton, Cooper, Gautier, Howard, Meacham, Priest, Ward and Warren, 12—Nays, Messrs. Bradford, Rix, Smith and Wright, 4—ordered that the title be as above.

An engrossed bill, to be entitled "an act to alter the time of holding the county court of Gadsden county," was read a third time and passed: ordered that the title be as above.

An engrossed bill to be entitled "an act to incorporate the Protestant Episcopal Congregation of Key-West," was read a third time, and passed: ordered that the title be as above.

A bill to be entitled, "an act regulating the rate of interest," was read a second time from the orders of the day, when the house resolved itself into a committee of the whole, and had the same under consideration: after sometime spent therein, the committee arose: and Mr. Gautier therefrom reported progress, and asked leave to sit again, which was concurred in by the house.

The committee of the whole again took under consideration the bill to be entitled "an act to incorporate the subscribers to the Union Bank of Florida," and after sometime spent therein arose, when Mr. Warren therefrom reported progress, and asked leave to sit again, which is concurred in by the house.

The engrossed bill entitled "an act to incorporate St. Marks," from the orders of the day was laid on the table, and made the order of the day for saturday next.

The following resolution offered by Mr. Chandler on a former day,



A bill to be entitled "an act to amend an act to authorize the sale of certain lands belonging to the heirs of John Tanner dec'd." was read a second time, when on motion of Mr. Gautier to wit: Resolved, that a select committee be appointed with instructions to inquire into the expediency of annulling or modifying the provisions of the 49th section of the act of November 21st 1828, entitled "an act regulating judicial proceedings," was again read and adopted, Messrs. Chandler, Smith and Wright were appointed, The resolution heretofore introduced by Mr. Bellamy, to provide for purchasing certain decisions of the court of appeals, was on motion referred to a select committee, Messrs. Bellamy, Smith and Elount, were appointed.

The house then adjourned until to-morrow 10 o'clock.

FRIDAY, January 25, 1833.

The house met pursuant to adjournment, a quorum being present the journal of yesterdays proceedings was read.

Mr. Warren gave notice that he will hereafter, ask leave to introduce a bill to be entitled "an act for the relief of William Hilliard, and Andrew G. Mays."

Also, that he will on some future day, ask leave to introduce a bill to authorize Jane Murray of Duval county to sell and dispose of the real estate of George Murray decd.

Mr. Warren asked leave to have the rule of the house waived, and to be permitted instantler to introduce a bill to be entitled "an act for the relief of William Hilliard and Andrew G. Mays," which was ordered by the house and thereupon the said bill was introduced and read the first time, and made the order of the day for tomorrow.

Mr. Warren pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "an act to establish and regulate the rates of pilotage for the St. Johns river in the Territory of Florida," which was read, and on his motion made the order of the day for monday next.

Mr. Meacham presented the petition of sundry inhabitants of Quincy in Gadsden county, praying the appointment of a justice of the peace &c. which was read and referred to the Judiciary committee.

Mr. Cooper offered the following resolution, viz:

Resolved, That the Treasurer be directed to report to this house the names of the several tax collectors of the territory, who have not made their tax returns agreeably to law.

The rule of the house on motion was waived, and said resolution was put upon its passage and adopted.

Mr. Howard offered the following resolution viz:

Resolved, That the committee on the state of the territory, be instructed to inquire into the expediency of petitioning Congress to grant to the territory the power of disposing of the 16th sections reserved for the use of schools, and that they report by memorial or otherwise, which was read and laid on the table.

Mr. Warren offered certain resolutions, which were read and laid on the table until tomorrow.

A bill for the relief of Allen W. Coleman, from the orders of the day was read a second time and ordered to be engrossed and read again on monday next.

the rule of the house was waived, and the said bill was read a third time by its title and passed, ordered that the title be as above.

A bill entitled "an act to incorporate the city of St. Augustine," and to repeal the act entitled an act to incorporate the city of St. Augustine, approved the 11th February 1831, was read a second time by its title and ordered to be engrossed and read again tomorrow.

A bill to be entitled "an act regulating the rate of interest," was taken up from the orders of the day, when the house again resolved itself into a committee of the whole, and spent some time therein, when they arose, Mr. Gautier therefrom reported progress and asked leave to sit again on monday, which is concurred in by the house.

A bill to be entitled "an act to incorporate the subscribers to the Union Bank of Florida," was again taken up in committee of the whole, and after some time spent therein arose, Mr. Warren from said committee reported progress, and asked leave to sit again, which is concurred in by the house.

The bill to be entitled "an act to incorporate the commercial bank of Florida," was again taken up in committee of the whole, after some time spent therein they arose, Mr. Wright, from said committee reported progress, and asked leave to sit again, which is concurred in by the house.

The following communications were received from his excellency W. P. Duval, to wit:

EXECUTIVE OFFICE, }

Tallahassee January 25, 1833. }

SIR—Enclosed, I have the honor to transmit a communication from the President of the Merchants' and Planters' Bank of Magnolia, covering a statement of the Cashier, showing the state of said Bank on the 23d inst. which I have to request may be submitted to the council.

I am sir, respectfully, your obedient serv't,

WM. P. DUVAL.

Hon. JOHN P. BOOTH, President of the council.

Which was read and with the enclosed communication is referred to the committee on Banks; also the following.

EXECUTIVE OFFICE, }

Tallahassee January 24, 1833. }

SIR—I have the honor to enclose the council, a communication from Thomas Brown Esq. Director of the Capitol—the other Directors, E. B. Perkins, and R. Lewis, Esqrs. having resigned a few days before the commencement of this session. Accompanying the same, will also be found, the book of minutes of said board of the past year, and sundry vouchers appertenant thereto.

Very respectfully your most ob't. serv't,

WM. F. DUVAL.

Hon. J. P. Booth, President of the council.

Which with the communication and exhibits therein referred to, is referred to the committee on Finance; also the following: To the President of the legislative council.



Tallahassee, Executive Office,  
January 24, 1833.

SIR—"An act amendatory to the several acts incorporating the Bank of West Florida,"—cannot receive my approval. I am constrained by my duty and the public interest to say, that after the experiments made by this institution, no further increase of its capital ought to be granted. The notes of the Bank of West Florida have no credit, and now will not pass but at great loss to the holders; it is believed that twenty thousand dollars was never paid on the stock of the bank, and why after the entire failure of the bank to redeem its notes, its capital should be allowed to extend to five hundred thousand dollars, I cannot understand. "An act to extend the time limited by law, for subscribing for the stock of the Bank of Pensacola"—has received due consideration. The executive cannot believe that any advantage will arise to the people of Florida by the passage of this bill. Experience has shewn that the operation of the Banks that have gone into action in this territory, has so far only subserved the interest of a few individuals at the expense of the general good and prosperity of our citizens. Unless some important and valuable results will inure to the people of Florida, by the establishment of a Bank on such principles as will meet the wishes of the people, and inspire confidence from its probable and general usefulness, the executive would be unwilling to lend his aid or give his support to any other.—I solicit the legislature therefore to reconsider these bills, and not suffer the people of the territory to be made the victims of fraud or speculation.

I am Respectfully,

Your obedient servant,

WM. P. DUVAL.

Which was read, and the question being, shall the said bill entitled an act amendatory of the several acts incorporating the bank of West Florida—and an act to extend the time limited by law, for subscribing for the stock of the Bank of Pensacola, be reconsidered, was decided affirmatively by the house, and the said bills are ordered to be laid on the table until monday next; also the following.

EXECUTIVE OFFICE,  
Tallahassee, Jan. 25, 1833.

SIR—The act entitled "an act to establish a ferry across Suwannee"—was approved by me and filed with the Secretary on the 19 instant and I have this day approved and filed as aforesaid the act entitled "an act to establish a ferry on the Wakulla river at St. Marks"—also an act entitled "an act to establish a ferry across the Withlacoochy."

I am Respectfully,

Your obedient servant,

WM. P. DUVAL.

Hon. J. P. Booth, President of the council,

Mr. Gautier on a former day offered the following resolution viz:

Resolved, That the committee on the state of the territory, be instructed to enquire into the expediency of providing a

seal, with proper devices for this territory, and of establishing the same by law—which was again read and adopted.

The house then adjourned until 10 o'clock tomorrow.

SATURDAY, January 26, 1833.

The house met pursuant to adjournment, a quorum being present the journal of yesterday's proceedings was read.

Mr. Blount gave notice that he will on some future day, ask leave to introduce a bill for the relief of Maria Hernandez de la Carera executrix of Milan de la Carera.

Mr. Warren pursuant to previous notice asked and obtained leave to introduce a bill to be entitled "an act to authorise Jane Murray to sell the real estate of George Murray dec'd; which was read and made the order of the day for Tuesday next.

Mr. Chandler gave notice that he will on some future day, ask leave to introduce a bill to be entitled "an act regulating the rates of pilotage for the port of Key West."

Mr. Bradford gave notice that he will on monday next introduce a bill to be entitled "an act giving to mechanics a lien in certain cases.

Mr. Cooper introduced a resolution to ask certain enquiries, which is laid on the table until monday next.

Mr. Smith from the committee on schools and colleges, made the following report:

The committee on schools and colleges, to which was referred a bill to be entitled "an act to authorise the commissioners therein named to establish a lottery"—have had the same under consideration, and beg leave to report, that, in their judgment, it is inexpedient on general principles of policy, and especially with reference to the moral influences of lotteries, to pass any act to establish or encourage them.

The committee therefore ask to be discharged from the further consideration of said bill, which is laid on the table.

The engrossed bill to be entitled "an act to incorporate the town of St. Marks," was again referred to a committee of the whole house; and after some time spent therein the committee arose, and Mr. Gautier therefrom reported the said bill with sundry amendments, which were concurred in by the house—the rule of the house being waived the said bill was read a third time by its title and passed, ordered that the title be as above.

The following resolution offered on a former day by Mr. Howard, to wit:

Resolved, That the committee on the state of the Territory be instructed to enquire into the expediency of petitioning Congress to grant to the territory, the power of disposing of the 16th sections reserved for the use of schools, and that they report by memorial or otherwise, was read, and on motion adopted.

A report from the treasurer of the Territory, made in pursuance of a resolution of the council, passed on a former day, was received read, and with its enclosure referred to the committee on finance.

The engrossed bill entitled "an act to incorporate the city of St. Augustine," and to repeal the act entitled an act to incor-



porate the city of St. Augustine, approved the 11th of February 1831—was read a third time and passed, ordered that the title be as above.

The bill to be entitled "an act to prescribe the mode of appointing guardians to free negroes, and other persons of colour and for other purposes"—was on motion referred to a select committee; Messrs. Compton, Blount, Smith and Howard, were appointed.

The bill to be entitled "an act to incorporate the subscribers to the Union Bank of Florida"—was again taken up in committee of the whole, and after some time spent in the consideration thereof, the committee arose, when Mr. Warren from said committee reported progress, and asked leave to sit again, which is concurred in by the house.

Mr. Warren on a former day offered the following resolution viz :

Resolved, That this present legislative council do think it expedient, and desirable to the good people of this territory, that the communication from Tallahassee, to St. Augustine, and other parts of East Florida, by mail should be made more frequent than under the present arrangement—Therefore, be it resolved, that our Delegate in Congress be requested to apply to the Post Master General of the United States, for the establishment of a weekly mail to be transported in a stage coach between Tallahassee and Jacksonville, on the St. Johns river, and to the city of St. Augustine—which was read and adopted.

The house then adjourned until monday next at 10 o'clock.

MONDAY, January 28, 1833.

The house met pursuant to adjournment, a quorum being present, the journal of saturdays proceedings was read.

Mr. Smith moved that the vote taken on saturday last, on the bill to be entitled "an act to incorporate the city of St. Augustine," and to repeal the act entitled an act to incorporate the city of St. Augustine approved the 11th of February 1831, be reconsidered with a view to amendments—which was agreed to by the house, whereupon the said amendments were inserted, no one dissenting; on motion of Mr. Smith the rule of the house was waived, the said bill was read a third time by its title and passed, ordered that the title be as above.

Mr. Bradford pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "an act giving to mechanics a lien in certain cases"—which was read the first time, and made the order of the day for Thursday next and eighteen copies are ordered to be written.

Mr. Blount pursuant to previous notice, asked and obtained leave to introduce a bill for the relief of Maria Hernandez de la Cavera executrix of Milan de la Cavera—which was read by its title and referred to the judiciary committee.

Mr. Compton pursuant to previous notice asked and obtained leave to introduce a bill to be entitled "an act declaring cold water creek in Escambia county a navigable stream"—which was read and made the order of the day for to-morrow.

Mr. Smith gave notice that he will on some future day, ask leave to introduce the following bills to wit :

A bill providing for the establishment, and organization of the St. Augustine guards; a bill in addition to the act entitled an act concerning divorces and alimony, approved October 31st 1823; and a bill in addition to, and amending an act entitled an act concerning wills, letters testamentary, and letters of administration, and the duties of executors administrators and guardians, approved November 20th 1828.

Mr. Gautier pursuant to previous notice asked and obtained leave to introduce a bill to be entitled "an act to change the time of holding the superior courts in the counties of Walton, Washington, Fayette, Jackson and Franklin"—which was read, on motion the rule of the house was waived, the said bill was read a second time by its title and made the order of the day for this day.

Mr. Gautier pursuant to previous notice, asked and obtained leave to introduce a bill entitled an act to incorporate the Marianna Academy, which was read and made the order of the day for Wednesday.

Mr. Wright pursuant to previous notice, asked and obtained leave to introduce a bill to amend and continue in force, the act to incorporate the city of Pensacola, which was read and made the order of the day for Wednesday.

Mr. Gautier presented the petition of sundry inhabitants of Webbville, praying a law for the appointment of commissioners therein expressed, and for other purposes, which was read and referred to the committee on schools and colleges.

Mr. Smith presented the petition of Wm. G. Davis, and others citizens of East Florida, praying the repeal of certain laws therein expressed, which was read and with the accompanying documents and the several laws to which it has relation, referred to a select committee, with leave to report by bill or otherwise; Messrs. Smith, Bellamy, Blount, Warren and Gautier were appointed.

Mr. Ward presented the petition of Jane Aikin praying relief as therein expressed—which was read and with its enclosure referred to the committee on claims.

Mr. Blount presented sundry resolutions in relation to banks—which was read and laid on the table until to-morrow.

Mr. Cooper from the committee on enrolled bills, reported the following as correctly enrolled.

An act concerning patrols.

An act to alter the time of holding the county court of Gadsden county—and an act to authorise the disposition and sale of certain lands belonging to the heirs of John Tanner dec'd. and to appoint a trustee to carry the same into effect—which were severally signed by the President of the council.

Mr. Warren from the select committee to whom the petition of Isaac Varu was referred, made the following report :

The committee to whom was referred the petition of Isaac Varu praying to be divorced from his wife Susannah Varu; have had the same under their consideration and beg leave to report: That the frequent application to the legislative council for divorces is witnessed with regret, as evincing a moral state of society injurious to the reputation of the Territory. By refer-



thence to this historic page we find that the marriage contract has in modern days been regarded, whether considered in the light of a civil or religious ordinance, as an obligation of high and sacred duties. Laws have been adopted in all countries, tending to the enforcement of nuptial rights; and the experience and mature judgment of the more enlightened public is fast advancing to the conclusion that this contract should be indissoluble from causes arising after marriage.

In extreme cases, when insanity subsequent to the marriage or other circumstances disqualifying the parties from their respective obligations may occur, it is far safer to lodge the power of granting divorces, in the ordinary tribunals at common law, or in the more extended jurisdiction of courts of Equity.

England, from whom we derive most of our customs and laws, has on this subject set us an example worthy of imitation. In that country the courts at common law are invested with the power of setting aside this contract, for causes which rendered it originally void, but where no prior obstacle existed, and the marriage was duly consummated, it required to invalidate it, the solemn adjudication of Parliament, their highest appellate tribunal.

The legislation on this subject in the United States, (though properly restricted in some of the States) is still loose, and incompatible with the moral and enlightened spirit of the age; and the general facilities afforded to persons applying for divorces, and the utter recklessness with which applications of this sort are usually granted, call upon this legislative council, so far as their power extends, to place their ban upon this great and increasing evil.

In dismissing the application of the petitioner, the committee feel assured that they render but an act of justice to one of the parties, while the reputation of the other by an *ex parte* examination of the facts alleged might be unjustly and wantonly traduced; nor do they deem an apology necessary for the variance between the foregoing sentiments and the past legislation of the Territory. No system of legislation pernicious in principle, should be pursued, because sanctioned by precedent.—The power to adjudicate upon applications for divorces, has heretofore been delegated to the superior courts of the territory. To that tribunal the petitioner is referred—and your committee pray to be discharged from the further consideration of the same, holding it repugnant to their moral sense, and beyond their sphere of legislation “to put asunder those whom God hath joined together.”

Which was read and concurred in by the house.

The bill to be entitled “an act to establish and regulate the rates of pilotage for the St. Johns and Nassau rivers, in the Territory of Florida”—was read a second time, and committed to a committee of the whole house, after some time spent therein the committee arose, and Mr. Howard therefrom reported the said bill to the house with sundry amendments—which were concurred in by the house, and the said bill was ordered to be engrossed for a third reading to-morrow.

A communication from his excellency Wm. P. Duval Governor of Florida, recommending to exempt light house keepers from serving on juries—was read and with its enclosures referred to the Judiciary committee.

The following communication was received from his excellency Wm. P. Duval Governor of Florida to wit:

EXECUTIVE OFFICE,  
Tallahassee Jan. 27. 1833 }

Sir—Pascal B. Prior, Fielding A. Browne, George E. Weaver, Thomas A. Townsend, Philip J. Fontane and John Whitehead Esquires, are nominated as justices of the peace for the county of Monroe.

These names are sent to the council at this time, at the instance of the member from that county.

Very respectfully your obt<sup>d</sup> serv<sup>t</sup> WM. P. DUVAL.  
Hon. J. P. Booth, President of the council.

Which was read, whereupon the house went into secret session, and consented to and advised the nominations therein made, when the door was again opened.

The bill to be entitled an act regulating the rate of interest—was again taken up in committee of the whole, after some time spent therein the committee arose, Mr. Gautier therefrom reported progress, and asked leave to sit again, which is concurred in by the house.

The bill to be entitled “an act to incorporate the subscribers to the Union Bank of Florida”—was again taken up in committee of the whole, after some time spent therein the committee arose, and Mr. Warren therefrom reported progress, and asked leave to sit again, which is concurred in by the house.

The house then adjourned until to-morrow 10 o'clock.

TUESDAY, January 29, 1833.

The house met pursuant to adjournment, a quorum being present the journal of yesterday's proceedings was read.

Mr. Bell pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled “an act to grant an additional term of the superior court in Hamilton county”—was read the first time and made the order of the day for to-morrow.

The bill entitled “an act to extend the time limited by law, for subscribing for the stock of the Bank of Pensacola”—which had been returned by the Governor rejected January 23d 1833, with his objections, was on motion of Mr. Wright taken up for reconsideration, the question on its final passage was taken by yeas and nays, those in the affirmative were, Mr. President, Messrs. Bellamy, Blount, Chandler, Compton, Cooper, Gautier, Howard M'Bride, Meacham, Priest, Riz, Ward, Warren and Wright, 15—those in the negative were, Messrs. Bell, Bradford and Smith, 3—and so the bill was passed by the lawful majority.

The bill entitled “an act amendatory to the several acts incorporating the Bank of West Florida”—which had been returned by the Governor rejected January 23d 1833, with his objections, was on motion of Mr. Gautier taken up for reconsideration, the question on its final passage was taken by yeas



and nays—those voting in the affirmative were, Mr. President, Messrs. Bellamy, Blount, Compton, Cooper, Gautier, Howard, M'Bride, Priest, Ward, Warren and Wright, 12—those in the negative were, Messrs. Bell, Bradford, Meacham, Riz and Smith, 5—and so the bill was passed by the lawful majority.

Mr. M'Bride pursuant to previous notice asked and obtained leave to introduce a bill to be entitled "an act amendatory, and in addition to an act, relating to roads, highways and bridges, passed 1st February 1832"—which was read and made the order of the day for to-morrow, and eighteen copies are ordered to be written.

Mr. Smith, pursuant to previous notice, asked and obtained leave to introduce a bill in addition to the act concerning divorces and alimony, approved Oct. 31st-1828, which was read and made the order of the day for to-morrow, and 18 copies are ordered to be written.

Mr. Riz, presented the presentment of the Grand jury of St. Johns and Mosquitoe counties, which was read and on his motion, referred to the Judiciary committee.

Mr. Bellamy presented certain resolutions, which were read and laid on the table until to-morrow.

Mr. Cooper from the committee on enrolled bills reported as correctly enrolled, "an act to incorporate the town of St. Marks" which was signed by the President of the council.

Mr. Bell from the select committee to whom was referred the petition of Rhoda Taylor, made the following report:

The committee to whom was referred the petition of Rhoda Taylor, praying to be divorced from her husband, beg leave to make the following report:—Your committee from the evidence are of opinion that the said petitioner is entitled to a divorce, but your committee being aware of the determined resolution of a large majority of the members of this council, not to grant a divorce on any grounds at the present session, deem it unnecessary to report a bill, consequently beg leave to be discharged from the further consideration of the case, all which is respectfully submitted.

Which was read and concurred in by the house.

A bill to be entitled "an act for the relief of Wm. Hilliard, and Andrew G. Mays"—was read a second time, and laid on the table.

A memorial to the Governor and Legislatures of the States of Georgia and Alabama, was taken up for consideration and read, Mr. Bradford moved to recommit the memorial with instructions to strike out all that part which relates to annexing Florida to Alabama and Georgia, which did not prevail, and the yeas and nays being called for on the question of its final passage, by Messrs. Bellamy and Blount, were as follows—those voting in the affirmative were, Mr. President, Messrs. Bell, Bellamy, Gautier, Howard, Meacham, Priest, Smith and Wright, 9—those in the negative were, Messrs. Blount, Bradford, Chandler, Compton, Cooper, M'Bride, Riz, Ward and Warren, 9; so the said memorial was lost.

An engrossed bill entitled "an act for the relief of Allen W.

Coleman"—was read a third time and passed, ordered that the title be as above.

A bill to be entitled "an act to authorize Jane Murray, to sell the real estate of George Murray deceased"—was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled "an act declaring cold water creek in Escambia county a navigable stream,"—was read a second time and ordered to be engrossed and read a third time on to-morrow.

A bill entitled "an act to change the time of holding the superior courts in the counties of Walton, Washington, Jackson, Fayette and Franklin,"—was read a third time and passed, ordered that the title be as above.

A bill to be entitled "an act to incorporate the Commercial Bank of Florida,"—was again taken up in committee of the whole house, after some time spent therein the committee arose, and Mr. Wright therefrom reported the said bill with sundry amendments to the house, which were concurred in, and the said bill is ordered to be engrossed and made the order of the day for Thursday next.

On motion of Mr. Gautier the rule of the house was waived, and the vote passing the bill entitled "an act to change the time of holding the superior courts in the counties of Walton, Washington, Jackson, Fayette and Franklin, was reconsidered for the purpose of amendments, the house went into committee of the whole on said bill, after some time spent therein the committee arose, and Mr. Cooper therefrom reported said bill with amendments, which were concurred in by the house, and the said bill was, on motion of Mr. Gautier, read a third time by its title and passed, ordered that the title be as above.

An engrossed bill entitled "an act to establish and regulate the rate of pilotage for the St. Johns and Nassau rivers, in this Territory"—was read a third time and passed, ordered that the title be as aforesaid.

The house again resolved itself into a committee of the whole on the bill entitled "an act to incorporate the subscribers to the Union Bank of Florida"—and spent some time therein, when it arose, and Mr. Warren therefrom reported the said bill with amendments to the house, which were concurred in. Mr. Ward moved that 500 copies of said bill be printed for the use of the house, and that it be made the order of the day for Friday next—the question on printing 500 copies was, on the call of Messrs. Ward and Chandler taken by yeas and nays those voting in the affirmative were, Mr. President, Messrs. Blount, Bradford, Chandler, M'Bride, Meacham, Smith, Ward and Warren, 9—those in the negative were, Messrs. Bell, Bellamy, Compton, Cooper, Gautier, Howard, Priest, Riz, and Wright, 9—so the said motion is lost, on motion ordered that 18 copies of said bill be printed for the use of the house, and that it be made the order of the day for Friday next.

A bill to be entitled "an act regulating the rate of interest," was again taken up in committee of the whole, and after some time spent therein the committee arose, when Mr. Gautier therefrom reported said bill as amended, which was concurred



by the house, Mr. Wright moved to postpone the said bill indefinitely, the yeas and nays was thereupon called by Messrs. Warren and Gautier, those who voted in the affirmative were, Messrs. Blount, Bradford, Meacham, Smith and Wright, 5—those in the negative were, Mr. President, Messrs. Bell, Bellamy, Chandler, Compton, Cooper, Gautier, Howard, McBride, Priest, Riz, Ward and Warren, 13—and so the said motion was lost, and the said bill is made the order of the day for Saturday next.

Mr. Cooper on a former day introduced the following resolutions:

Resolved, That a select committee be appointed to examine the journal of the legislative council, for the purpose of ascertaining, whether minutes of the present and preceding sessions have been written up, and to report at an early day to the council, and also to inquire, and report, whether the journal of the legislative council of the session of 1831, has been fully and correctly recorded, which was read and adopted, Messrs. Cooper, Bradford, Bellamy, Wright and Gautier were appointed on that committee.

The house then adjourned until 10 o'clock to-morrow.

WEDNESDAY, Jan. 30, 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterdays proceedings was read.

Mr. Bradford pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "an act more effectually to secure the solvency of all the banks in this Territory, and to subject them to the payment of damages if they fail or refuse to pay specie for their notes when demanded"—which was read the first time and made the order of the day for Saturday next, and 18 copies are ordered to be written.

Mr. Meacham offered a resolution to instruct the Judiciary committee, in certain matters therein expressed, which was read and laid on the table until tomorrow.

Mr. Bell offered a resolution, in relation to the improvement of the navigation of Suwannee river, which was read and laid on the table until to-morrow.

Mr. Bellamy offered a resolution, in relation to pre-emption rights, which was read and laid on the table until to-morrow.

Mr. Cooper from the committee on enrolled bills, reported as correctly enrolled "an act to establish, and regulate the rates of pilotage for the St. Johns and Nassau rivers in the Territory of Florida"—which was signed by the president of the council.

A bill to be entitled "an act to incorporate the Marianna Academy"—were read a second time from the orders of the day, and ordered to be engrossed and read again on tomorrow.

The following resolutions offered by Mr. Blount on a former day to wit:

Resolved, That a select committee be appointed to inquire into the state of the Bank of Florida, the manner in which the institution has been conducted, and whether it is not in fact a private Bank.

Resolved, That the said committee inquire whether the officers of the Bank have not been guilty of practices which are in direct violation of its charter, and destructive of the purposes for which the institution was established.

Resolved, That the committee in order to facilitate the inquiries directed in the foregoing resolutions, have leave to send for persons and papers, which were severally read and adopted Messrs. Blount, Smith, Chandler, Meacham and Gautier, were appointed thereon.

Mr. Bellamy on a former day, introduced the following resolutions, to wit:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of enacting some law by which fraudulent and dishonest debtors, secretly or covinously disposing of their property, or who are about to abscond from, or leave this territory, may be compelled to give bail on a *capias ad respondendum*.

Resolved, That the Judiciary committee be instructed to inquire into the expediency of providing by law, some remedy against fraudulent and dishonest debtors secreting, or covinously disposing of their property, and to compel such debtors to make surrender of such property on oath, and that in default the creditor be allowed a *ca sa* against them, which were severally read and adopted, the yeas and nays being called by Messrs. Bellamy and Warren, were as follows, those voting in the affirmative were, Mr. President, Messrs. Bell, Bellamy, Bradford, Chandler, Compton, McBride, Meacham, Riz, Smith, and Wright, 11—those in the negative were, Blount, Cooper, Gautier, Howard, Priest, Ward and Warren, 7.

A bill to be entitled "an act to grant an additional term of the superior court in Hamilton county,"—was read a second time, and ordered to be engrossed, and read again.

An engrossed bill to be entitled "an act declaring cold water creek in Escambia county, a navigable stream,"—was read a third time and passed, ordered that the title be as above.

On motion of Mr. Wright, the vote by which said bill was passed, was reconsidered, and the said bill was laid on the table.

An engrossed bill to be entitled "an act to authorise Jane Murray to sell the real estate of George Murray dec'd"—was read a third time and passed, ordered that the title be as aforesaid.

A bill to be entitled "an act for the relief of Wm. Hilliard and others"—was taken up in committee of the whole, and after some time spent therein, the committee arose, when Mr. Wright therefrom reported the said bill with amendments, which was concurred in by the house, the rule being waived the said bill was read a third time by its title and passed, ordered that the title be as above.

The bill entitled "an act in addition to the act entitled an act concerning divorces, and alimony, approved October 31st 1823" was read a second time and ordered to be engrossed and read again.

A bill to be entitled "an act amendatory, and in addition to



an act relating to roads, highways and bridges passed 1st Feb. 1832"—was read a second time by its title, when the house resolved itself into a committee of the whole and had the said bill under consideration, after some time spent therein the committee arose, and Mr. Smith therefrom reported progress, and asked leave to sit again, which is concurred in by the house.

The house then adjourned until tomorrow 10 o'clock.

THURSDAY, January 31st 1833.

The house met pursuant to adjournment, a quorum being present the journal of yesterday's proceedings was read.

Mr. Ward presented the petition of certain persons in Tallahassee, praying a law to prohibit free negroes, from contracting as master-builders: which was read: & referred to a select committee, Messrs Ward, Bradford and Wright, were appointed thereon.

A bill to be entitled, "An act giving to mechanics a lien in certain cases," was read a second time, and committed to a committee of the whole house: after sometime spent therein the committee arose: and Mr. Bellamy therefrom, reported said bill, as disagreed to by the committee, and moved that the house be discharged from the further consideration of the same, which was agreed to by the house. The yeas and nays being called on the question, will the house agree to the report of the committee of the whole by Messrs Ward and Bradford, were as follows, those voting in the affirmative were Mr. President, Messrs Bell, Bellamy, Blount, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith, Warren & Wright 15; those in the negative were Messrs Bradford and Ward 2; so the report was agreed to.

The engrossed bill to be entitled, "An act to incorporate the commercial Bank of Florida," was again committed to a committee of the whole house: after sometime spent therein the committee arose: and Mr. Bradford therefrom reported the said bill to the house with amendments; which was agreed to by the house, the rule of the house was on motion of Mr. Warren waived, and the said bill was read a third time by its title and put upon its passage, the yeas and nays being called by Messrs Smith and Bradford were as follows; those voting in the affirmative were Mr. President, Messrs Bellamy, Blount, Chandler, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Ward and Warren 13; those in the negative were Messrs Bell, Bradford, Riz, Smith and Wright 5; and so the bill was passed.

The following communication from his Excellency Governor Duval was read, to wit:

EXECUTIVE OFFICE,

Tallahassee, January 31st 1833.

Sir—The act entitled, "An act concerning patrols" is herewith returned to the council. Section 5th, authorizes patrols to enter into any house, vessel or boat suspected of harbouring or trafficking with negroes, whether the same be occupied by white persons, free negroes or others, and also, to arrest and whip any free negroes improperly there. These provisions are considered in conflict both in principle and terms with articles 4th and 5th of the amendments to the constitution of the United States. Approving of the other general provisions of the bill; if amended in this respect, the executive would have no difficulty in sanctioning it,—otherwise it must be considered as rejected.

I have approved and filed in the secretary's office the following acts.

"An act to alter the time of holding the county court of Gadsden county."

"An act to amend an act to authorize the disposition and sale of

certain lands, belonging to the heirs of John Tanner deceased, and to appoint a trustee to carry the same into effect."

I am respectfully your obedient servant,

WILLIAM P. DUVAL.

Hon. J. P. BOOTH, President of the council.

Which was read, and thereupon on motion, the said bill to which it referred, was ordered to be reconsidered, and was laid on the table. Mr. Meacham, on yesterday introduced the following resolution, viz:

*Resolved*, That the judiciary committee, be instructed to enquire into the expediency of compelling any and all persons who may avail themselves of the benefit of the 15th section of an act entitled, "An act regulating executions" passed 21st of November 1829, to return on oath, all property of what nature soever, they may be passed: which was read and adopted.

Mr. Bell on yesterday introduced the following resolutions, to wit:

*Whereas*, the Suwannee river is the only stream of importance watering that part of Florida wherein it is situated, and affords the natural and only convenient outlet, for a very extensive district of country, extending for many miles on each side of it, and much of which possesses great fertility; but which is rendered of comparatively small value, because of obstructions at the outlet of said river, and of small obstructions at other points thereof: therefore

*Be it resolved by the legislative council of the Territory of Florida*, That our delegate in Congress be requested to use his best exertions to obtain an appropriation to improve the bar and river of Suwannee.

*Resolved*, That these resolutions be forwarded without delay to our delegate in Congress.

Which were again read and adopted.

Mr. Bellamy, on yesterday, introduced the following resolutions, to wit:

*Whereas*, the late law of Congress, giving the right of pre-emption to forty acres of land, in this territory, has expired, and but few for whose benefit the law was intended, have reaped the advantage thereof, owing not only to the shortness of the period that the law was in force; but to the indigent circumstances of many of the settlers.

*And whereas*, also, it has been witnessed with regret that many of the poor citizens after having made small, but comfortable improvements have been compelled to move not unfrequently two or three times, by those who were able to purchase the land of the United States from under them.

*Therefore be it further resolved*, That our delegate in Congress be requested to use his best exertions (if consistent with the policy of the country) to procure the passage of a law to extend the pre-emption law, or to compel those who purchase the land, to pay the settler for his improvements.

*Resolved*, That these resolutions be forthwith forwarded to our delegate in Congress.

Which were read and adopted.

A Bill to be entitled, "an act amendatory and in addition to an act relating to roads, highways and bridges" passed 1st February 1832: was again taken up in committee of the whole, after sometime spent therein, the committee arose: and Mr. Smith therefrom reported said bill to the house, with amendments: which were agreed to and said bill is ordered to be engrossed, for a third reading on Monday next.

A bill to be entitled, an act to grant an additional term of the superior court in Hamilton county: was read a third time and passed: ordered that the title be "an act to provide for additional term of the superior court in Hamilton county."



An engrossed bill entitled, "an act to incorporate the Marianna Academy," was read a third time and passed: ordered that the title be as above.

An engrossed bill entitled, "an act in addition to an act entitled an act concerning divorces and allimony," approved 31st Oct. 1828, was read a third time and passed: ordered that the title be as above.

Mr. Gautier, on a former day introduced the following resolution, to wit:

*Resolved*, That the sergeant-at-arms, of this house, be directed to have made forthwith, a suitable case, fitted to the south-west recess of their chamber, to contain the library of the council, and the originals of all bills, memorials, petitions, reports and other papers of the council, except the acts and journals, and that it shall be the duty of the chief clerk to arrange, endorse, number, file and make a catalogue of the papers of this session, within thirty days after the end of the session, and that the president, be authorized to have the like documents of past sessions; so arranged, endorsed, numbered and filed, and also a catalogue of the books made: *Provided*, The cost of such case shall not exceed \$50, nor the cost of arranging the papers shall not exceed \$10: which was read and adopted.

The house then adjourned until to-morrow 10 o'clock.

FRIDAY, February 1, 1833.

The house met pursuant to adjournment, a quorum being present the journal of yesterdays proceedings was read.

Mr. Howard gave notice that he will at some future day, ask leave to introduce a bill to be entitled "an act to alter and establish the Western boundary line of Jackson county."

Mr. Riz gave notice, that he will on some future day ask leave to introduce a bill to be entitled "an act to incorporate the St. Johns and St. Augustine canal company."

Mr. Ward presented the petition of Elizabeth Grifiss, praying a divorce, which was read and with the accompanying certificate, referred to a select committee, Messrs. Riz, Priest and Bell, were appointed thereon.

Mr. Chandler introduced the following resolution to wit:

Whereas, for many years past and particularly during the year one thousand eight hundred and thirty two, a great number of ships and vessels with exceedingly valuable cargoes have been stranded and several lives lost on the eastern coast of Florida between St. Augustine and cape Florida, owing in a great degree to the fact of there being no internal communication between the two places, and to the present exposed situation of the coast, and, whereas such a communication, it is believed, would result in immense benefits to the people of both sections of the country, and to the agricultural and commercial interests of the territory generally.

And, whereas also, such a communication might be easily effected by means of canals cut at different stages of the route, and altogether extending by strict reckoning a distance of only a few miles. Therefore be it resolved by the legislative council, that our delegate in Congress be requested to use his best exertions towards the passing an act by Congress for opening as soon as practicable an internal communication between St. Augustine and cape Florida by the way of the headwaters of new river and by the everglades. Be it further resolved, that a copy hereof be immediately forwarded to our delegate.

E. D. CHANDLER.

Which were read and on motion of Mr. Chandler the rule of the house was waived and the said resolutions were put upon their final passage and adopted.

Mr. Meacham from the committee on elections, reported a bill to be entitled "an act to provide for holding an election for delegate to congress, from this Territory, members to the Legislative council, and certain other officers," which was read the first time by its title, and eighteen copies are ordered to be written.

The bill to be entitled "an act to incorporate the subscribers to the Union Bank of Florida"—was taken up from the orders of the day, when on motion of Mr. Ward the house resolved itself into a committee of the whole thereon, when the committee arose, and Mr. Warren therefrom reported the bill to the house as amended.

Mr. Chandler moved that the house do again resolve itself into a committee of the whole on said bill, upon which motion the yeas and nays were called by Messrs. Chandler and Bradford, and were as follows, those voting in the affirmative were, Messrs. Bell, Bellamy, Bradford, Chandler, Compton, Cooper, Priest, Riz, Smith and Wright, 10—those in the negative were, Mr. President, Messrs. Blount, Gautier, Howard, McBride, Meacham, Ward and Warren, 8—so the said motion was carried, whereupon the house went again into committee of the whole upon said bill and spent some time therein, when they arose, and Mr. Warren therefrom reported said bill to the house with amendments, which were concurred in by the house.

Mr. Gautier moved, that the rule of the house be waived, that the said bill be read a third time by its title and put upon its passage, which prevailed, and the question being shall said bill pass, was on the call of Messrs. Ward and Cooper, decided by yeas and nays, those voting in the affirmative were, Mr. President, Messrs. Blount, Gautier, Howard, McBride, Meacham, Smith, Ward, Warren and Wright, 10—those in the negative were, Messrs. Bell, Bellamy, Bradford, Chandler, Compton, Cooper, Priest and Riz, 8—so the said bill was passed, ordered that the title be as aforesaid.

The house then adjourned until tomorrow 10 o'clock.

Saturday, February 2, 1833.

The house met pursuant to adjournment, a quorum being present the journal of yesterdays proceedings was read.

Mr. Warren gave notice that he will on some future day, ask leave to introduce a bill to be entitled "an act to incorporate the town of Apalachicola."

Mr. Priest gave notice that he will on some future day ask leave to introduce a bill to be entitled "an act to authorise the county courts in this territory to appoint inspectors of beef in their respective counties."

Mr. Gautier gave notice that he will on some future day, ask leave to introduce a bill to be entitled "an act more accurately to define the boundaries of Fayette county and for other purposes."

Mr. Gautier pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "an act concerning school lands"—which was read the first time and made the order of the day for Monday next.

Mr. Compton from the select committee to whom had been referred the bill to be entitled "an act to prescribe the mode of appointing



guardians to free negroes and other persons of color and for other purposes report that they have had the same under consideration, and recommended that said bill be referred to the select committee to whom was referred the petition of W. H. Simmons and others, and that this committee be discharged, from the further consideration of the subject, which is concurred in by the House and Messrs Compton and Warren are added to that committee.

The following communication was received from his Excellency Wm. P. Duval, which was read.

Executive Office }  
Tallahassee February 1st 1833.

Sir—I have approved and signed and filed in the Secretaries office the following acts.

"An act to establish and regulate the rates of pilotage for the St. Johns and Nassau Rivers in the territory of Florida."

"An act to incorporate the town of St. Marks."

I am yours very respectfully:

Wm. P. DUVAL,

Honorable John P. Booth President of the Council.

Mr. Ward offered the following resolution viz, Resolved that the Judiciary Committee be instructed to enquire into the expediency of amending the existing laws, that the property of the debtor may be bound from the commencement of any civil action by the creditor, which was read and laid on the table.

Mr. Wright from the judiciary committee to whom was referred the petition of the Executor and Executrix of John Collins deceased, reported a bill to be entitled an act for the relief of the Heirs of John Collins deceased; which was read the first time and made the order of the day for Monday.

Mr. Ward from the committee on claims to whom was referred the petition of Jane Aikin, reported a bill to be entitled "an act for the relief of Jane Aikin" which was read the first time and made the order of the day for Monday.

Mr. Cooper from the committee on enrolled bills reported as correctly enrolled.

"An act to authorize Jane Murray to sell the real estate of George Murray deceased."

"An act to incorporate the Commercial Bank of Florida."

An act to provide for holding an additional term of the Superior Court in Hamilton County."

"An act to incorporate the protestant episcopal congregation at Key West."

"An act for the relief of Wm. Hilliard and others."

"An act to incorporate the city of St. Augustine, and to repeal the act entitled an act to incorporate the city of St. Augustine, approved the 11th of February 1831."

"An act in addition to an act entitled an act concerning divorces and alimony," approved 31st October 1828: also

"An act to change the time of holding the superior courts in the counties of Walton, Washington, Jackson, Fayette and Franklin;" which were signed by the president.

A bill to be entitled, "an act more effectually to secure the solvency of all the Banks in this territory, and to subject them to the payment of damages, if they fail, or refuse to pay specie for their notes, when demanded" was postponed, and made the order of the day for Tuesday next.

A bill to be entitled, "an act regulating the rate of interest," was again taken up in committee of the whole: and after sometime spent therein the committee arose; and Mr. Gautier therefrom reported said bill with amendments, which are concurred in by the house, and the

said bill is ordered to be engrossed, and made the order of the day for Monday next.

An engrossed bill entitled, "an act declaring Cold Water Creek, in Escambia county, a navigable stream," was read a third time by its title and passed: ordered that the title be as aforesaid.

The house then adjourned until Monday next at 12 o'clock.

MONDAY, February 4. 1833.

The house met pursuant to adjournment, a quorum being present, the journal of Saturdays proceedings was read.

Mr. Gautier moved that the vote given on the first day of this month passing the bill entitled "an act to incorporate the subscribers to the Union Bank of Florida," be reconsidered, which motion prevailed, and the said bill is made the order of the day for today.

Mr. Meacham gave notice that he will on some future day ask leave to introduce a bill relative to the collection of militia fines.

Mr. Smith pursuant to previous notice asked and obtained leave, to introduce a bill to be entitled an "act providing for the establishment, and organization of the St. Augustine guards,"—which was read the first time by its title, and made the order of the day for tomorrow.

Mr. Bellamy presented the petition of sundry inhabitants of Jefferson county, praying to be attached to Madison county, which was read and referred to a select committee, Messrs Bellamy, Bell and Warren were appointed.

Mr. Priest pursuant to previous notice asked and obtained leave to introduce a bill to be entitled "an act to authorise the county courts in this territory, to appoint inspectors of beef in their respective counties" which was read the first time by its title and made the order of the day for tomorrow.

Mr. President laid before the council the petition of Wm. Williams for and on behalf of the President directors & co. of the bank of Florida, praying alterations of the charter which was read and referred to the committee on Banks.

Mr. President laid before the council the petition of the enrolling and engrossing clerks of this council, praying that the duties devolving on James Hughes late a clerk of this council be delegated to Mrs. Ann C. Tingle, whereupon Mr. Ward introduced the following resolution to wit:

Resolved, That the compensation now due to James Hughes dec'd, one of the enrolling and engrossing clerks of this house, for that portion of the writing of the house done in his name be paid to his sister Ann C. Tingle, and that of the writing which may be done during the remainder of the session, she may be permitted to perform and charge for the proportion which would have fallen to the share of the brother, which was read, and the rule of the house being waived the said resolution was put upon its passage and adopted.

Mr. Chandler presented the petition of certain inhabitants of Charlotte harbour, praying the passage of certain laws which was read and referred to a select committee, Messrs. Chandler, Bellamy and Ward, were appointed.

Mr. Priest presented petitions of the citizens of Alachua and Columbia counties in relation to county boundaries which were read and referred to the committee on the state of the territory.

Mr. Riz presented the petition of certain inhabitants of St. Augustine in relation to a canal, which was read and laid on the table until tomorrow.

Mr. Compton introduced a resolution, in relation to the improvement of the navigation of yellow river, which was read and made the order of the day for tomorrow.

Mr. Cooper offered the following resolution to wit:



Resolved, That the committee on Finance be instructed to inquire into the expediency of revising the revenue laws of this territory, and that they have leave to report by bill or otherwise, which was read, and the rule being waived was put on its passage and adopted.

Mr. Smith pursuant to previous notice asked and obtained leave to introduce a bill to be entitled "an act to fix the time and place for holding the several terms of the superior court of the district of East Florida, for the county of Duval, Nassau, Alachua, and Columbia"—which was read the first time and made the order of the day for to-morrow.

Mr. McBride from the select committee to whom was referred the bill to be entitled "an act concerning estrays"—reported the same again to the house, with amendments, which was read the first time, and made the order of the day for tomorrow.

Mr. Warren gave notice, (the rule being waived) that he will on some future day, introduce a bill to establish a ferry over the river St. Johns at or near the horse landing.

Mr. Riz from the select committee to whom was referred the petition of Elizabeth Griffis, made the following report to wit:

The select committee to whom was referred the petition of Elizabeth Griffis, praying a divorce.

Beg leave to report that they have had the same under consideration and are of opinion that application of this nature (if made at all) should be made to the judicial tribunals of the district, in which the parties reside, where the rights of all concerned may be fully investigated, and protected: and such relief afforded as may be consistent with a due regard to the situation of the parties, and the claims of law and justice.

They therefore request to be discharged from any further consideration of the subject.

Respectfully submitted,

JAMES RIZ.

Which was read and agreed to.

The bill entitled "an act concerning school lands" was read a second time and referred to the committee on schools and colleges.

A bill to be entitled "an act for the relief of the heirs of John Collins deceased"—was read a second time, whereupon on motion of Mr. Gautier the rule of the house was waived, and the said bill was read a third time and passed, ordered that the title be as above.

An engrossed bill to be entitled "an act amendatory and in addition to an act relating to roads, highways, and bridges, passed 15th Feb. 1832"—was on motion of Mr. Ward recommitted to a committee of the whole house, after some time spent therein, the committee arose, and Mr. Wright therefrom reported the said bill with amendments, which was concurred in by the house, and on motion the rule of the house was waived, the said bill was read a third time by its title and passed, ordered that the title be as above.

The house then adjourned until tomorrow 10 o'clock.

Tuesday, January 5th 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Bell moved that the vote, passing the bill entitled, "an act to provide for an additional term of the superior court in Hamilton county," be reconsidered, with a view to amendments: which motion prevailed; and the said bill is ordered to be reconsidered: and is made the order of the day, for to-day.

The President laid before the council, the report and statements of John K. Campbell and Thomas Brown, commissioners of the treasury: which is referred to the committee on finance.

Mr. Meacham gave notice that on some future day, he will ask leave to introduce a bill to authorize the county court of Gadsden county, to levy and collect taxes, for certain purposes.

Mr. Riz, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "an act to incorporate the St. Johns and St. Augustine canal company," which was read the first time by its title and made the order of the day for Wednesday.

Mr. Ward presented the petition of certain inhabitants of Leon county praying the establishment of a ferry over the Ocklocknee river, which was read and referred to a select committee: Messrs. Ward, Bradford and Meacham, were appointed.

Mr. Ward presented the petition of the executors of Davis Floyd deceased, praying the passage of a law to authorize the sale of the real estate, of which he died possessed: which was read and referred to the committee on the Judiciary.

Mr. Cooper from the committee on enrolled bills, reported as correctly enrolled,

"An act to incorporate the Marianna Academy," and

"An act for the relief of Allen W. Coleman;" which was signed by the President of the council.

Mr. Warren, from the committee on claims, made the following report:

The committee on claims to whom has been referred the petition of Shannon and Ballaugh, have had the same under consideration and are of opinion, that the prayers of the petitioners is reasonable, and ought to be granted: they therefore beg leave to report a bill for their relief; which said bill was introduced, read the first time and made the order of the day, for Wednesday.

The house then adjourned until 6 o'clock p. m.

The house met pursuant to adjournment, a quorum being present, the orders of the day were taken up.

A bill to be entitled, "an act for the relief of Jane Aikin," was read a second time, when the rule was on motion waived, and the said bill was read a third time and passed: ordered that the title be as above.

A bill to be entitled, "an act providing for the establishment and organization of the St. Augustine guards," was read a second time by its title, and ordered to be engrossed for a third reading.

A bill to be entitled, "an act to authorize the county courts in this territory, to appoint inspectors of beef in the respective counties," was read a second time, and laid on the table until to-morrow.

The engrossed bill entitled, "an act to provide for an additional term of the superior court in Hamilton county," was amended, no one objecting: and read the third time and passed: ordered that the title be as above.

Mr. Compton, on a former day introduced the following resolutions:

Whereas, The Yellow river, situated in west Florida, discharging its waters into Blackwater bay, and affording at all times, from four to five feet water over the bar, which renders it practicable for boats and rafts drawing the same, and whereas, said stream being valuable for its navigation, for the distance of one hundred and twenty miles or upwards, running through



portions of fertile country, and affording great facilities to the trade of Pensacola, and ultimately to the United States; there being many valuable saw-mill seats on its tributary streams, and growths of various descriptions, viz:—Cypress, juniper, yellow and sap pine, the white and red oak, and frequently the *live-oak*, of the largest and best quality; but at this time valueless, in consequence of the many obstructions occasioned by rafts of logs, at different points of said river: Therefore

*Be it resolved by the legislative council of the Territory of Florida*, That our delegate in Congress be requested to use his best exertions, to obtain an appropriation to improve the navigation of said Yellow river.

*Resolved*, That these resolutions be forwarded forthwith to our delegate in Congress.

Which were read and adopted.

A bill to be entitled, "an act to fix the time and place, for holding the several terms of the superior court of the district of east Florida, for the counties of Duval, Nassau, Alachua and Columbia," was read the second time: whereupon the rule of the house was, on motion, waived, and the said bill was read a third time and passed: ordered that the title be as above stated.

A bill to be entitled, "an act concerning estrays," was read a second time by its title: whereupon the house resolved itself into a committee of the whole on said bill, and after sometime spent therein arose: when Mr. Wright reported said bill amended: whereupon, on motion, the rule of the house was waived, and the said bill was read a third time and passed: ordered that the title be as above stated.

A bill to amend and continue in force the "act to incorporate the city of Pensacola," was read a second time by its title: when the house resolved itself into a committee of the whole on said bill; spent sometime therein, and then arose: Mr. Bellamy from said committee reported progress, and asked leave to sit again: which was concurred in by the house.

Mr. Smith, moved that the rule be waived, and that he be permitted to introduce a petition, which prevailed: whereupon he presented the petition of Francis J. Avise, sheriff of St. Johns county, which was read and referred to a select committee; Messrs. Smith, Bellamy and Blount, were appointed thereon.

The bill to be entitled, "an act to incorporate the subscribers to the Union Bank of Florida," was again taken up in committee of the whole, after sometime spent therein, the committee arose, and Mr. Warren therefrom, reported said bill with amendments: whereupon Mr. Chandler moved that the third section of said bill be amended, by striking out the amendments thereto, made in committee of the whole, and called for the yeas and nays on his motion, which call was seconded by Mr. Ward, the vote was as follows, those voting in the affirmative, were Messrs. Bell, Bradford, Chandler, Compton, Riz and Warren, 6: those in the negative, were Mr. President Messrs. Bellamy, Blount, Cooper, Gautier, Howard, M<sup>r</sup>Bride, Meacham, Pricest, Smith, Ward and Wright, 12: so the motion was lost.

Mr. Bradford moved, that the 29th section be amended by striking out the words "two thirds" and inserting in place thereof "one half." Upon the call of Messrs. Bradford and Ward, the yeas and nays were taken thereon: those voting in the affirmative, were Messrs. Bell, Bradford, Chandler, M<sup>r</sup>Bride, Priest, Riz, Smith and Wright, 8: those voting in the negative, were Mr. President, Messrs. Bellamy, Blount, Compton, Cooper, Gautier, Howard, Meacham, Ward and Warren, 10: so the said motion was lost.

Mr. Smith moved the following amendments,

*Be it further enacted*, That in consideration of the great and exclusive privileges, by this charter, granted to the said Bank; the said Bank shall take the said charter, upon the express condition, that it shall and will pay a *bonus* annually into the treasury of this territory, as follows, to wit: for the first year after the said Bank shall commence its operations, the sum of *five thousand dollars*, to be paid on or before the first monday of December, the next after said banking operations shall have been commenced, and for every subsequent year *five thousand dollars*, to be paid on or before the first Monday of December, of each successive year, until the capital stock subscribed to said Bank, shall exceed *one million of dollars* when the *bonus* after and from that time, to be paid annually on or before the first Monday of December, shall be in proportion to the whole capital stock subscribed, as *five thousand* is to *one million of dollars*.

*Be it further enacted*, That the sums, which, by the said Bank shall annually be paid into the treasury of this territory, agreeably to the provisions, contained in the next preceding section of this act, shall *one moiety* thereof, be forever held and appropriated by this territory as a fund in trust, to be controlled and regulated, and the interests or annual proceeds thereof to be applied as the legislature of this territory may or shall from time to time direct exclusively, to and for the use, establishment and support of schools, colleges and seminaries of learning in this territory, the other moiety, thereof, to be held and appropriated by this territory, for the ordinary and general purposes of revenue, as by the said legislature may or shall be directed.

*Be it further enacted*, That whenever the said Bank shall fail, neglect, or refuse in any year to pay into the said treasury, the said *bonus* or any part thereof, when the same shall become due on the first Monday of December of such year; then in every such case judgement with execution against said Bank for the amount not paid, and for damages thereon, not exceeding twenty per. cent. with legal interests and costs, may and shall be awarded in favour of said territory, *on motion* before the superior court, at the first term thereof, ten days previous notice having first been given to said Bank.

*Be it further enacted*, That the annual *bonus* stipulated and provided in the preceding sections of this act, shall cease, and be no longer paid, when the capital of said Bank shall be redeemed, and paid as contemplated, in and by the twenty-third section of this act, and when, according to the provisions in said section contained, the dividends, which thereafter shall be



declared, and the profits which shall accrue, shall belong to and be paid in *equal moieties* to the territory, and to the stockholders of said Bank.

*Be it further enacted*, That one moiety of that part of the said dividends or profits, which, according to the next preceding section of this act, shall accrue to, and be paid to this territory; shall be forever held and appropriated by this territory, as a fund in trust, to be controlled and regulated, and the interest, or annual proceeds thereof, to be applied as the legislature of this territory may or shall from time to time direct, exclusively to and for the use, establishment and support of schools colleges and seminaries of learning in this territory; the other moiety thereof, to be held and appropriated by this territory for the ordinary and general purposes of revenue, as by the said legislature may or shall be directed.

And thereupon, the yeas and nays were called by Messrs. Smith and Bradford: those voting in the affirmative, were Messrs. Bellamy, Bradford, Cooper, Priest, Riz and Smith, 6: those in the negative, were Mr. President, Messrs. Bell, Blount, Compton, Gautier, Howard, M'Bride, Meacham, Ward, Warren and Wright, 11: so the said amendments were lost: and the house concurred in the report of the committee of the house; on motion, the rule of the house was waived: the said bill was read a third time by its title, and put on its final passage: the yeas and nays being called by Messrs. Cooper and Bradford, were as follows, those voting in the affirmative, were Mr. President, Messrs. Blount, Chandler, Gautier, Howard, M'Bride, Meacham, Smith, Ward, Warren and Wright, 11: those in the negative, were Messrs. Bell, Bellamy, Bradford, Compton, Cooper, Priest and Riz, 7: so the said bill was passed: ordered that the title be as above stated.

The house then adjourned until 10 o'clock on to-morrow.

WEDNESDAY, February 6th 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterdays' proceedings were read.

Mr. Gautier moved that the memorial to the legislatures of Georgia and Alabama, heretofore offered by him, and rejected by the house, be spread on the journals: the yeas and nays being called on that question by Messrs. Warren and Gautier, were as follows: yeas Mr. President Messrs. Bell, Bellamy, Blount, Bradford, Chandler, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith, Ward and Wright 17: nays Mr. Warren: so the said memorial is ordered to be spread on the journals, and is as follows:

*To the honourable, the Governors and Legislatures, of the States of Georgia and Alabama.*

The legislative council, with an eye directed to the interest of Florida, and the general welfare of the Southern States, after mature deliberation, have resolved to solicit from the authorities of Georgia and Alabama, a portion of their territory lying between the thirty-first degree fifteen minutes north latitude, and the present boundaries of Florida.

The application is made in the hope that the reasons herein-after assigned may induce the states aforesaid, to yield their

consent to the proposal, as a measure advancing the united interests of all. In lieu of the favours solicited, Florida can bring no remuneration in dollars and cents. That must lie in the proud consciousness of having by their liberal bounty, added another to the states of the Union. This territory, though embracing within its limits, a great portion of barren wastes; is still enriched by a fertile soil covered with the luxuriant growth of prodigal nature. The difficulty of bringing these wild lands into a state of culture, is great and imposing, requiring time and capital to effect it. These obstacles will retard for a long time the increase of population, and our admission into the Union. Denied the full privileges of freemen, we cannot but regret our local and peculiar condition, rendered more painful by the distant prospect of its improvement. In this dilemma, we are compelled to adopt the alternative of attaching ourselves to the states adjoining us, or to ask from them a cession of territory adequate to the accomplishment of our views.

To the first proposition various objections may be urged. Since the purchase of Florida by the United States, public attention has been directed to this beautiful portion of the Union—and as a territory, whether we regard her productions, her soil, or climate, we cannot but feel a pride, commensurate with her future resources and relative value to the states.

Our national feelings are identified with the name of Florida, and though strangers by birth, we already feel towards her, the patriotic sentiment, "this is my own, my native land." We cannot therefore but deplore the necessity, which would compel us to merge our political existence, and the name we bear in that of the neighbouring states.

Considerations of this kind, alone however, would not prevent us from taking a step by which our political rights would be more fully secured; could we bring any acquisition of strength to either of the states to which we might be attached.

By the late ratio of federal representation, Georgia has an overplus of unrepresented population, not exceeding five hundred souls. That portion of our territory, which from its geographical position would be ceded, in the event of our dismemberment to that state, contains a population of less than thirty thousand. This would not entitle the state to a new member.

The remark applies with equal force to that part of our territory west of the Appalachicola, which would most probably be annexed to the state of Alabama. In addition to this argument, it may be urged that a new ratio of representation will not be adopted, until the year one thousand eight hundred and forty. In the meantime, by a cession to the states of Georgia and Alabama, we should lose the right of being represented by a delegate, and receive in return no adequate equivalent. These and other considerations, have deterred us from memorializing Congress, and asking from the federal government, a relinquishment of title to the public domain within our borders. In support of the measures proposed, various reasons suggest themselves to the council, which will be obvious to your honourable bodies. The admission of Florida into the Union, would secure to the southern states a member of the confederacy, iden-



tified with them in feelings; actuated by the same policy, affected alike by the same local legislation, and disposed to set with them on the mooted points that so unhappily distract the councils of the Union. This view of the subject demands the attentive consideration of every southern politician.

The extensive territories in the north-west, will be continually adding strength to that part of the Union; and separated from them by so many thousand miles, we may fairly presume (and past experience justifies it) that the legislation suited to their interests, may prove unequal and oppressive upon us. Our country under the over-ruling protection of a kind providence and the hitherto fostering influence of wholesome laws, has grown up to an unrivalled greatness, and extended (at least in the south) her limits to the bounds pointed out by nature. And if the necessities of our condition compel us to cede away our territory, where, in the south, shall we look for a rising state to check the influence and sectional legislation of Michigan and Huron, with the dismemberment of Florida, the hope would perish.

By complying with the prayer of this memorial the influence of Georgia and Alabama, in the national legislature, would not be lessened, and in the place of a feeble territory, the dependent of the general government, they would have arrayed by their side, a state claiming the attribute of sovereignty, and presenting with them in the general Congress an undivided front in the support of the great principles of southern policy.

Wherefore, be it resolved by the legislative council, that his excellency the governor be requested to forward this memorial to the governors, and legislatures, of the states of Georgia and Alabama, asking them to take the same under their serious consideration, and to adopt such measures in relation thereto as their deliberate judgment may advise.

Mr. Gautier pursuant to previous notice asked and obtained leave, to introduce a bill to be entitled, "an act to regulate the mode of proceeding on attachments," which was read: made the order of the day for Saturday: and 18 copies are ordered to be written.

Mr. Bradford gave notice that he will after to-day, ask permission to introduce a bill to be entitled, "an act to authorise the testimony of females in all civil cases, in the several courts of this territory, to be taken by commission."

Mr. Meacham pursuant to previous notice, asked and obtained leave, to introduce a bill to be entitled, "an act to authorise the county court of Gadsden county, to levy a tax for the purpose of raising a fund to build bridges and causeways in said county," which was read and made the order of the day for Friday next.

Mr. Ward presented the petition of Caroline J. Ringgold, praying to be authorised to sell the real estate belonging to her deceased husband, in his lifetime: which was read and referred to a select committee: Messrs. Ward, Cooper and Warren, were appointed thereon.

Mr. Bradford introduced a resolution, directing that the committee on finance, may enquire into certain modifications of the

revenue laws: which was read and laid on the table until to-morrow.

Mr. Gautier from the committee on schools and colleges, made the following report.

The committee on schools and colleges, to whom was referred the petition of sundry inhabitants of Webbville, praying a law for the appointment of commissioners, therein expressed, and for other purposes; beg leave to report, that they have had the same under consideration, and on examination of the act of Congress referred to in said petition, find that the legislative council have no authority, to appoint or order a new election to fill any vacancy in said board of commissioners, or in any manner to control the fund arising from the sale of the said quarter section of land mentioned in said petition, until the money be collected by said commissioners.

They further report that they have transmitted the petition to our delegate in Congress, requesting him to procure the passage of a law in compliance with the prayer of the petitioners.

Wherefore they pray to be discharged from the further consideration of the same &c. Which was read and agreed to.

Mr. Wright from the judiciary committee to whom was referred the petition of Joseph W. and Julia Field: reported a bill for the relief of the children of Joseph W. and Julia Field: which was read and made the order of the day for Thursday.

Mr. Wright from the judiciary committee made the following report.

The judiciary committee to whom was referred the bill relative to writs of injunction, and *ne exeat*, have the honour to report that they deem it unnecessary to legislate on the subject, they therefore ask to be discharged from the further consideration of said bill. Which was read and agreed to.

The President laid before the council the following communication from his excellency Governor Duval.

EXECUTIVE OFFICE,  
Tallahassee, Feb. 6, 1833. }

Sir:—I nominate Clem. W. Stevens to be a justice of the peace in and for the county of Jefferson.

I am, respectfully, your obedient servant,  
WILLIAM P. DUVAL.

Hon. JOHN P. BOOTH, *President of the council.*

Whereupon the house went into secret session thereon, and consented to and advised the nomination therein made: when the door was again opened.

Also, the following,

EXECUTIVE OFFICE,  
Tallahassee, Feb. 4, 1833. }

Sir:—The bill entitled, "an act to authorise Jane Murray to sell the real estate of George Murray deceased," is herewith returned *rejected*. No reason is assigned in it, for the necessity of such law, nor any facts stated to show its propriety. Legislation for particular cases is a dangerous course, and should be avoided as much as possible. Such practice has not been hitherto encouraged in Florida, nor often pursued, but for the most cogent reasons, supported by indisputable evidence, set



forth in the preamble to the law. Besides it is considered that No. 36 of the acts of last session is ample enough in its provisions, to cover every proper case and most probably includes this.

I am, sir, respectfully, your obedient servant.

WILLIAM P. DUVAL.

Hon. JOHN P. BOOTH, *President of the council.*

Which was read, and thereupon the said bill was ordered to be reconsidered; and was laid on the table until to-morrow.

The following report from the committee on schools and colleges, heretofore made by Mr. Smith, was on motion of Mr. Meacham called up, to wit:

The committee on schools and colleges to whom was referred a bill to be entitled, "an act to authorise the commissioners therein named to establish a lottery:" have had the same under consideration, and beg leave to report, that in their judgment it is inexpedient on general principles of policy, and especially with reference to the moral influence of lotteries, to pass any act to establish or encourage them. The committee therefore ask to be discharged from the further consideration of the bill. Which was read, and on motion of Mr. Meacham disagreed to by the house: and the said bill was referred to a select committee: Messrs. Meacham, M'Bride and Bellamy were appointed thereon.

An engrossed bill to be entitled, "an act regulating the rate of interest," was read a third time and passed: the yeas and nays being called were as follows; yeas Mr. President Messrs. Bell, Bellamy, Chandler, Compton, Cooper, Gautier, Howard, Priest, Riz, Smith, Ward and Warren 13: nays were Messrs. Blount, Bradford, M'Bride, Meacham and Wright 5: ordered that the title be as above stated.

The following communication was received from his excellency William P. Duval, to wit:

EXECUTIVE OFFICE, }

Tallahassee, Feb. 6, 1833. }

Sir:—"An act for the relief of William Hilliard and others."

"An act to incorporate the Marianna Academy," and

"An act for the relief of Allen W. Coleman," have been approved, signed and filed in the secretary's office, on this day.

Your obedient servant,

WILLIAM P. DUVAL.

Hon. J. P. BOOTH, *President of the council.*

Which was read.

A Bill to be entitled, "an act more effectually to secure the solvency of all the Banks in this territory, and to subject them to the payment of damages if they fail, or refuse to pay specie for their notes when demanded," was read a second time by its title; when the house resolved itself into a committee of the whole, and spent sometime therein, after which they arose: and Mr. M'Bride therefrom reported said bill as amended: which was agreed to by the house; and is ordered to be engrossed, and read a third time to-morrow.

The following communication was received from his excellency William P. Duval.

EXECUTIVE OFFICE, }

Tallahassee, Feb. 4th 1833. }

Sir:—I have approved, signed and filed in the secretary's office the following acts.

"An act in addition to an act concerning divorces and alimony, approved October 31st 1828."

"An act to incorporate the Protestant Episcopal Congregation of Key-West."

"An act to incorporate the city of St. Augustine, and to repeal the act entitled an act to incorporate the city of St. Augustine, approved the 11th of February 1831."

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

Hon. J. P. BOOTH, *President of the council.*

Which was read.

A bill to be entitled, "an act to provide for holding an election for delegate to Congress from this territory, members to the legislative council, and certain other officers," was read a second time and committed to a committee of the whole house: after sometime spent therein, the committee arose: and Mr. Ward therefrom reported progress and asked leave to sit again, which is concurred in by the house.

The following communication was received from his excellency Governor Duval.

EXECUTIVE OFFICE, }

Tallahassee, Feb. 6th 1833. }

Sir:—I have approved, signed and filed in the secretary's office the following acts.

"An act amendatory and in addition to 'an act relating to roads, highways and bridges, passed 1st Feb. 1832.'"

"An act for the relief of the heirs of John Collins deceased."

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

Hon. J. P. BOOTH, *President of the council.*

Which was read.

Also, the following,

EXECUTIVE OFFICE, }

Tallahassee, Feb. 6th 1833. }

Sir:—The act to incorporate the Commercial Bank of Florida, is herewith returned rejected. I deem it wholly unnecessary to urge any new reasons why this act cannot receive my approval. The legislative council are referred to my several communications made in rejecting the Charter of the Bank of Florida, in 1829, and the Charters of other Banks before and since.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

Hon. J. P. BOOTH, *President of the council.*

Which was read: and on motion, the said bill to which it referred, was reconsidered, and laid on the table.

The house then adjourned until 6 o'clock this evening.

The house met pursuant to adjournment, and on motion adjourned until to-morrow at 12 o'clock.

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THURSDAY, February 7th 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Howard gave notice, that he will on to-morrow, ask leave to introduce a bill, to provide for the improvement of the navigation of the Chipola river, in West Florida, and for other purposes.

Mr. Warren pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "an act to declare Ocklawaha river, in the county of Alachua, and St. Johns a navigable stream."

Mr. McBride presented the petition of F. F. Wynn and others, in Gadsden county praying relief as therein expressed; which was read, & referred to a select committee, Messrs. M'Bride, Warren, and Howard, were appointed thereon.

Mr. Warren presented the petition of Mary P. Harker praying that a divorce may be granted her; which was read, and referred to a select committee, Messrs. Warren, Smith, and Bellamy were appointed.

Mr. Ward presented the petition of George Fisher praying an act for his use; which was read, and referred to a select committee, Messrs. Ward, Bradford, and Gautier were appointed thereon.

Mr. Bellamy offered the following preamble and resolutions, to wit:

Whereas the river Ocilla runs through one of the most fertile portions of Florida and also into two counties of the State of Georgia, but in consequence of the obstructions to the navigation of said river, at and above the natural bridge, the public lands contiguous to said river are rendered of much less value than they would be were said obstructions removed, and in consequence a great portion of the same has been unsold; and yet remains the property of the U. S. And whereas, the settlement, growth and prosperity of the Territory is thereby greatly retarded; and whereas, upon a survey of said river by an Engineer of the U. S. it has been estimated that the obstruction at the natural bridge could be removed by the judicious expenditure of ten thousand dollars; and whereas, in consequence of the general Government being the principal proprietor of the property which will be benefitted by said work, it is considered that Congress should make the necessary appropriation for the same; and whereas the people of the Territory memorialised congress at its last session for such aid, the same being transmitted to the Delegate from Florida for presentation; And as it is highly important to the citizens resident, contiguous to said river, that such improvements in the navigation should be made as early as possible.

*Be it therefore resolved*, by the Legislative Council of Florida, that the Delegate in Congress from said Territory, be requested to use his efforts to have such appropriations made at the present session of Congress; and that the chief clerk forward forthwith this preamble and resolutions to him.

*And be it further resolved*, that the President of the Council forward another copy thereof to the Delegation in Congress from the State of Georgia, and respectfully call their attention to, and solicit their aid in support of such measure. Which were read, and on motion of Mr. Bellamy the rule was waived, and the same were put on their passage and adopted.

Mr. Warren presented the following preamble and resolution, to wit:

Whereas, the removal of the obstructions to the navigation of the river Ocklawaha from its source near the Seminole Agency to its mouth is believed to be practicable, at an expense comparatively small, to the advantages which will result not merely to the citizens residing contiguous to said river, but to the general Government by enhancing the price of the public lands adjacent to the same, which it is expected will soon be brought into market, and otherwise.

*Be it therefore resolved*, by the Legislative Council of the Territory of Florida, that the Delegate from this Territory be, and he is hereby, requested to bring the subject before Congress, and endeavour to procure an appropriation for that object, at as early a period as possible, and that the chief clerk forward forthwith to him a copy of this preamble and resolution, and also of the letter of Gen. James Gadsden to the member from Duval County to be laid before Congress. Which was read, and on motion of Mr. Warren, the rule of the House was waived, and they were put on their passage and adopted.

Mr. Ward offered a resolution to enquire into the expediency of exempting Hawkers and Pedlars, from taxation in a case therein named; which was read and laid on the table until to-morrow.

Mr. Wright offered a resolution, to instruct the committee on enrollments, to inquire into certain matters therein expressed; which was read and laid on the table until to-morrow.

Mr. Ward from the select committee to whom the petition of certain inhabitants of Leon county, praying the establishment of a ferry on the Ocklocknee river had been referred, reported a bill to be entitled "an act to establish a ferry across the Ocklocknee river at Wright's landing;" which was read the first time, and made the order of the day for to-morrow.

Mr. Bellamy from the select committee to whom was referred the petition of certain inhabitants of Jefferson county, praying to be attached to Madison county; reported a bill to be entitled "an act to establish the Eastern boundary line of Jefferson county," which was read the first time and made the order of the day for tomorrow.

An engrossed bill to be entitled "an act more effectually to secure the solvency of all the banks in this Territory, and to subject them to the payment of damages if they fail or refuse to pay specie for their notes when demanded was read the third time and passed; ordered that the title be as above stated.

A bill for the relief of Shannon and Ballagh, was read a second time and ordered to be engrossed for tomorrow.

A bill to be entitled an act to incorporate the City of Pensacola, and to repeal the act entitled an act, to incorporate the City of Pensacola and improve the public roads in the neighborhood thereof approved 5th December 1825, was taken up in committee of the whole, and after some time spent therein, Mr. Meacham, therefrom reported said bill to the House with amendments, which was concurred in by the House, and the said bill is ordered to be engrossed for a third reading on Saturday.

Mr. Chandler obtained leave and introduced a bill to be entitled "an act to prescribe the times of holding the County Courts in the County of Monroe," which was read, and on his motion the rule of the house waived the said bill was read a second and third time and passed; ordered that the title be as above stated.

A bill to be entitled an act for the relief of the children of Joseph W. and Julia Field; was read the second time, and on motion the rule of the house was waived the said bill was read a third time and passed, ordered that the title be as above.

A bill to be entitled an act to authorize the County Courts in this Territory to appoint inspectors of beef in their respective counties, was read a third time and passed, ordered that the title be as aforesaid.

Mr. Bradford on a former day offered the following resolutions viz. Resolved that the committee on finance be requested to enquire into the expediency of amending the laws of this Territory, so as to require the expense of keeping and prosecuting criminals to be paid by the counties in which the criminals may be tried.

And also to enquire into the expediency of repealing all laws which



require the people of this Territory to pay taxes to the Territory, which was read and adopted.

The house then adjourned until 10 o'clock on tomorrow.

FRIDAY, February 8th 1833.

The house met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Compton, gave notice that he will on some future day ask leave to introduce a bill to provide for an election to be held in Walton County for a permanent county site.

Mr. Meacham presented a petition of sundry inhabitants of Gadsden county, praying to be authorized to lay a county tax, to purchase certain toll bridges, which was read, and referred to a select committee—Messrs. Meacham, Wright and Compton were appointed thereon.

Mr. Wright offered a resolution, which was read and laid on the table until tomorrow.

Mr. Meacham offered the following resolution viz. *Resolved* that the committee on the judiciary be instructed to enquire into the expediency of carrying into effect the provisions of the last will and testament of William Glenn dec. which was read, and on his motion the bill was waived, and the said resolution was put on its passage and adopted.

Mr. Cooper offered certain resolutions in relation to making Fernandina a port of entry, and for other purposes which was read, and laid on the table until tomorrow.

Mr. Ward offered a certain resolution in relation to the forms of accounts of Treasurer and Auditor of this Territory which was read and laid on the table until tomorrow.

Mr. Gautier from the committee on the state of the Territory, to whom was referred the resolution instructing them to enquire into the expediency of petitioning Congress, to grant the Territory the power of disposing of the sixteenth sections reserved for the use of schools, reported the following memorial which was read and laid on the table.

To the honorable the Senate and House of Representatives in Congress assembled.

The Legislative Council of the Territory of Florida, in renewing an application to Congress for authority finally to dispose of the lands appropriated for the use of schools in this Territory, would respectfully urge, that the longer denial of the power to sell will in a great measure defeat the object for which the reservation was intended. Under an act of Congress the Legislature at previous sessions have made annual leases of the sixteenth section. This plan has produced no efficient revenue, and materially injured the value of the lands. If the reservations be permitted to remain unoccupied, no laws however powerful in their action, will secure them from waste—and if they continue to be leased from year to year, the improvement cultivation and use of the lands by the lessees, will render them entirely valueless, and thus defeat the enlightened and liberal intentions of Congress.

The Legislative Council therefore, earnestly solicits from your honorable body, authority to sell the said sixteenth sections of land, with power, to convert the money arising from the sale thereof in some productive fund, the interest only of which, should be exclusively applied to the education of youth.

And your memorialist will ever pray &c.

*Resolved*, that this memorial be forwarded to our Delegate in Congress, requesting him as soon as practicable to use the same upon the consideration of Congress, which was read and laid on the table.

Mr. Gautier moved that "an act to incorporate the Commercial Bank of Florida," returned by the Governor rejected, be now put upon its passage, whereupon the yeas and nays were taken and were as follow yeas Mr. President Messrs. Bellamy, Blount, Chandler, Compton, Gautier, Howard, McBride, Meacham, Priest, Rix, Ward and

Warren, 13 nays Messrs. Bell, Bradford, Cooper, Smith and Wright 5, so the said act is passed by the lawful majority.

A bill to be entitled "an act for the relief of Francis J. Avice," was read the first time, and made the order of the day for tomorrow.

Mr. McBride to whom was referred, the petition of F. F. Wynn, and others," reported "a bill for the relief of F. F. Wynn and others," which was read and made the order of the day for tomorrow.

Mr. Meacham from the committee to whom the same was referred, reported a bill, to be entitled an act to authorize the Trustees of Quincy Academy in the County of Gadsden, to raise by lottery a sum not exceeding one thousand dollars which was read the first time and made the order of the day for tomorrow.

On motion of Mr. Belamy "an act for the relief of the children of Joseph W. and Julia Field, was reconsidered and made the order of the day for tomorrow.

The house went again into consideration of a bill to be entitled "an act to provide for the holding an election for Delegate to Congress from this Territory members to the Legislative Council, and certain other offices" in committee of the whole, after some time spent therein the committee arose, and Mr. Ward therefrom reported progress and asked leave to sit again, which is concurred in by the house.

A bill to be entitled "an act to incorporate the St. Johns and St. Augustine canal company" was read a second time by its title, when the house went into committee of the whole thereon, and spent some time therein, and arose when Mr. Blount therefrom reported progress and asked leave to sit again, which was concurred in by the whole house.

A bill to be entitled "an act to declare Oaklawaha river in the counties of Alachua and St. Johns a navigable stream which was read a second time and ordered to be engrossed for a third reading.

Mr. President laid before the council, a report of Thomas Brown and others of this Territory, which was read and with the exhibits therein referred to was referred to the committee on finance.

A bill to be entitled "an act for the relief of Shannon and Ballagh" was read a third time and passed ordered that the title be as above.

Mr. Ward on a former day offered the following resolution, viz. *Resolved*, that the committee on the state of the Territory be instructed to enquire into the expediency of exempting from the tax on hawkers and peddlers, those who sell only such articles as are manufactured, or grown in the Territory—and also to enquire into the expediency of repealing or modifying the law imposing a tax on hawkers and peddlers—which was read and adopted.

Mr. Warren asked and obtained leave to introduce a bill to be entitled "an act authorizing Farish Carter, Seaton Grantland and the heirs of Williamson to build a draw bridge over the St. Marks River," which was read the first time, and made the order of the day for Monday.

Mr. Chandler asked and obtained leave to introduce a bill to be entitled "an act providing for the building a jail at the City of Key West and for other purposes" which was read the first time, and made the order of the day for tomorrow.

A bill to be entitled "an act to establish a ferry across the Ocklocknee River, at Wrights landing" was read a second time, and on motion of Mr. McBride was indefinitely postponed.

A bill to be entitled "an act to establish the eastern boundary line of Jefferson County," was read the second time, when the rule was waived, and the said bill was read a third time and passed—ordered that the title be as above stated.

Mr. Wright offered the following resolution on a former day viz. *Resolved* that the committee on enrollments be instructed to enquire and



ascertain the exact amount of expenses of the Legislative Council at its present session up to the close of the present week and that the said committee report their views as to the future expenses of the house for printing, engrossing &c. which was read and adopted.

The house then adjourned until tomorrow at 12 o'clock.

SATURDAY, February 9th 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterdays' proceedings was read.

Mr. Bradford in pursuance of previous notice, asked and obtained leave to introduce a bill to be entitled "an act to authorize the testimony of females in all civil causes in the courts of this Territory, to be taken by commission;" which was read the first time, and made the order of the day for monday.

Mr. Bradford asked and obtained leave to introduce a bill to be entitled "an act to authorise John M. Wright to establish a ferry over the Ocklocknee river, accompanied by a petition from sundry citizens of Gadsden and Leon counties, in aid thereof; the said bill was read the first and second times, the rule being waived, and ordered to be engrossed for a third reading on monday next.

Mr. Ward gave notice that on Monday he will ask leave to introduce a bill to be entitled "an act to incorporate the Presbyterian church of Tallahassee."

Mr. Bellamy presented the account and vouchers of John P. Duval, counsel for the board of commissioners of the Tallahassee fund, which was referred to the committee on Finance.

Mr. Warren presented a preamble and resolution as follows:

*Whereas*, the people of the county of Duval in this Territory have recently erected a court house at Jacksonville in the said county at a great expense, and whereas the same is not only unfinished, but other public buildings are necessary to be erected in said county. And whereas, a great portion of the public lands in said county are yet unsold, and whereas, the general Government have not as yet rendered any aid to the people of said county in erecting said buildings, although the same are used by, and are especially necessary to the U. S. courts, as well as those of the Territory, and whereas, without such aid the county will not be able to pay for said buildings, or to finish the court house already built, or keep the same in repair, unless by the imposition of heavy and onerous taxes upon the people, which at this early period of the settlement of the country would be a great evil, and would retard its growth and prosperity.

*Be it therefore resolved*, by the Legislative Council of said Territory, that the Delegate in Congress from Florida, be, and he is hereby requested to procure a donation from Congress, of two or more sections of land in said Territory, for said county to aid in the payment of said buildings, erecting others and keeping the same in repair, and that the chief clerk forward by the next mail a copy of this resolution to said Delegate. Which was read, and on his motion the rule was waived, the same was again read and adopted.

Mr. Cooper from the committee on enrolled bills, reported as correctly enrolled:

"An act to establish the eastern boundary line of Jefferson county."

"An act providing for the establishment and organization of the St. Augustine guards."

"An act for the relief of Shannon and Ballagh."

"An act to prescribe the time of holding county courts in the county of Monroe."

"An act more effectually to secure the solvency of all the banks in this Territory, and to subject them to the payment of damages if they fail, or refuse to pay specie when demanded."

"An act for the relief of Jane Aikin."

"An act to fix the times, and places for holding the several terms of the Superior Court of the district of East Florida for the counties of Duval, Nassau, Alachua, and Columbia."

"An act to provide for "an additional term of the Superior Court in Hamilton county."

"An act declaring Cold Water creek in Escambia county, a navigable stream." Which were severally signed by the President of the Council.

Mr. Ward from the select committee to whom the petition of Caroline J. Ringgold was referred, reported a bill to be entitled "an act for the relief of the legal representatives of James G. Ringgold dec'd." which was read the first time, and the rule being waived, was again read and referred to the Judiciary committee.

An engrossed bill entitled "an act to incorporate the city of Pensacola, and repeal the act entitled an act to incorporate the city of Pensacola, and improve the public roads in the neighborhood thereof, approved 5th December 1825;" was read the third time and passed, ordered that the title be as above stated.

The president laid before the Council the following communication, to wit:

EXECUTIVE OFFICE,  
Feb. 8th 1833.

To the President of the Legislative Council,

SIR:—I have carefully examined the provisions of the bill "To incorporate the subscribers to the Union Bank of Florida."

Approving of its general principles, and admitting that its provisions and details are wisely framed, so as to guarantee the Territory against any possible loss arising from the responsibility assumed, while it protects the interests of the institution, and the security of its creditors; yet a sense of duty demands, that the bill should be returned to your body, with my objections to one of its provisions, which seems calculated to defeat the objects of the bill, and the intentions of the Legislative Council.

The provision of the bill objected to is that requiring the express sanction of Congress, before it can become a law.

Heretofore I have uniformly rejected all bills submitted to me, granting to companies banking privileges. Many reasons from time to time have been urged by the Executive, against the several laws establishing such incorporations. My opposition sprung from a conviction that such corporations would



er. They find him indebted to the territory, on the 12th day of December 1831, in the sum of 1,202 9 cents; to this sum must be added 479 53 1-2 cents, not charged on the books, but recently ascertained to be chargeable to the treasurer and sustained by vouchers in possession of the commissioners of the treasury as having been paid by F. J. Avice, tax collector of St. Johns county—it is not doubted by your committee that receipts of the same character will be presented at the treasury, when the individuals supposed to possess them shall be compelled to account for the sums in which they stand charged, on the books: In the accounts of Mr. Floyd, he had been charged with the sum of 1,220, for land purchased from the territory he had no title for this land, for he, himself, was the only person who could make one. The committee have given him credit for the 1,220, which saves the land to the territory, and leaves him indebted to it, as far as has been ascertained, in the sum of 1,681 53 1-2 cents as treasurer; and leaves to his credit, on account of the Tallahassee fund 13 11cts. For the recovery of this balance to the territory, your committee recommend that suit be, forthwith, instituted upon his official bonds.

The next subject taken into consideration by the committee was the report of the commissioners. It appears from their report that there was due from the territory, on the 30th November 1831, the sum of 6,595 31 1-4cts.: To meet which, there appears to be due from individuals the sum of 67,89 83 cents. The committee have caused a statement to be prepared, of the state of the territory at the end of the last fiscal year (November 30th 1832,) herewith submitted, by which it will appear that the territory is indebted in the sum of 7,648 84 1-4 cents. To meet which, there are debts etc. due the territory, amounting to the sum of 11,063 37 1-4 cents. The committee cannot, however, rely, with certainty, upon the collection of these debts, as in most of the cases, the individuals are insolvent, and their official bonds informally taken. The committee will therefore say that the debt now due by the territory, amounts, in round Nos., to the sum of 6,000, which has been suffered to accumulate by the inattention and mismanagement of the former officers, whose imperative duty it was, to see that all persons, charged with the collection and disbursement of public money should properly account.

The law of the last session of the council to "provide for the speedy settlement of all arrears due the Territory of Florida," having effected the object for which it was made, the committee recommend that it be repealed, except so much as refers to the manner of collecting the debts due to the territory; and, for that purpose, have reported a bill.

The accounts of the commissioners of the Tallahassee fund, have been examined and all the charges made therein, are properly sustained by a voucher: There now appears to be available of that fund, the sum of 24,021 26 cents; which sum, the committee recommend, be employed in the building and completion of the capitol before it is consumed in commissions and counsel fees: This fund, it seems, has heretofore been

considered a fair subject for the most extravagant charges of commissions and lawyer's fees; so much so, that, together with its bad management, the munificence of the general government has been, in a great measure, defeated: The committee would, however, remark that that the present commissioner, Turbutt R. Betton esquire; has, as far as has come to their knowledge, discharged his duty with fidelity to the public, and credit to himself. The committee respectfully recommend that the present system of allowing commissions for receiving and disbursing the proceeds of the fund be abolished and that a small salary be allowed in full of all services—each resignation, and now amount being a tax of 7 1-2 per. cent. upon it.

The accounts of the present treasurer have been carefully and attentively examined: they have been found correct, as well as the books and accounts of the present auditor. It will appear, by reference to the paper marked D., that only four tax collectors have paid into the treasury the taxes for the year 1832. Measures should be taken requiring more prompt accountability on the part of that class of officers.

The system of territorial taxation, the committee are satisfied ought never to have been established and should be abolished, as soon as the present debts of the territory are paid off: In our territory where the expenses of the executive, legislative and judicial departments are paid by the general government, there should be no tax except for county purposes; and yet by comparison with the taxes of the adjoining states, where all the burthens of the state government are borne by the people, it will be perceived that the taxes in this territory exceed them, from 30 to 50 per. cent: This system of policy contributes to check emigration to the territory; and, as long as persisted in will continue to do so.

The committee received from the treasurer the sum of 4,136 25 cents in treasury notes which had been received by the commissioners and treasurer during the past year: This amount, together with all the blank treasury notes, the committee burned in presence of the council.

The paper marked A, together with the accompanying documents, marked No. 1, 2, 3, 4 and 5, comprise the report of the commissioners appointed under the "act of the council providing for the speedy settlement of all arrears due the Territory of Florida:" that marked B, is the annual report and account current of the treasurer for 1832: that marked C, with the exhibits No. 1, 2, 3, 4 and 5, contains the auditor's report for the same year: that marked D, contains a report of the treasurer showing a statement from the auditor of the tax returned for the year 1832, with the amount paid; and showing, also, the names of the counties from which no returns have been received; and, that marked E, exhibits the state of the finances of the territory on the 30th day of November 1832.

All of which is respectfully submitted.

which was read and agreed to.

A bill to be entitled, "an act concerning slaves, free negroes, and mulattoes," was on motion of Mr. Bellamy indefinitely postponed.



that I shall give my approval to the bill as it now stands, rather than not have it on our statute book, as it will then fairly come before the people, and when they shall have had time to examine its features, and understand its provisions, they may hereafter give such instructions to their representatives, as to them may seem most beneficial to the general interests of the Territory.

I am respectfully

Your ob't. servant,

WM. P. DUVAL.

Which was read, and on motion the act to which it refers was ordered to be reconsidered; and was laid on the table.

A bill to be entitled "an act for the relief of Francis J. Avice" was read a second time, when on motion of Mr. Smith the rule of the house was waived, the said bill was read a third time by its title and put on its passage, the yeas and nays being called by Messrs. Ward and Bradford, were as follows, those voting in the affirmative were Mr. President, Messrs. Bellamy, Blount, Compton, Cooper, Gautier, McBride, Meacham, Priest, Rizz, Smith, Warren, and Wright 13, those in the negative were Messrs. Bell, Bradford, and Ward 3, so the said bill was passed, ordered that the title be as aforesaid.

A bill to be entitled "an act to incorporate the St. Johns and St. Augustine canal company," was again taken up in committee of the whole, after some time spent therein the committee arose, and Mr. Blount therefrom reported the bill with amendments, which were concurred in by the house, when on motion of Mr. Smith the rule of the house was waived, the said bill was read a third time by its title, and passed—ordered that the title be as above stated.

Mr. Cooper, on a former day introduced the following preamble and resolutions, viz:

*Whereas*, the harbor of Fernandina in East Florida, situated at the mouth of the river St. Marys, uniting by a convenient and easily improved inland communication, with the Nassau and St. Johns rivers, and having eighteen feet water on its bar at ordinary tide, is one among the most secure and capacious on the southern seaboard of the United States, and is also at a point, where the uniform mildness of the climate is only excelled by its salubrity, and from whence, through the waters of the above named rivers, especially the St. Johns, certain and safe access may at all times be had to the immense stores of pine, cypress, cedar and live oak, abounding on the Peninsula of Florida, as well as to its rich, if not more abundant products of sugar cotton and other staples, which the arts of agriculture, and extensive tracts of land, now about to be opened, must, here after, present for market.

*And whereas*, it may greatly contributed to the security and permanent prosperity of the south, and thereby to the general interests of the Union, as well as to the special advancement of commerce and agriculture in this Territory, that a point of such commanding importance should no longer be neglected by the General Government; but that now while the exercise of its powers, in Florida, can be embarrassed by no question of conflicting jurisdiction or of doubtful constitutional rights, they should be extended to it, with a view, both to local benefit or national utility.

*Wherefore* be it *Resolved*, by the Legislative Council of Florida, that our Delegate in Congress be, and he is hereby requested to use his best exertions to procure the passage of a law, establishing a *Port of Entry*, and providing for, and establishing a *Naval Depot*, with suitable military works and fortifications for the construction thereof, at said Fernandina.

*Be it further Resolved*, that a copy of the above resolution be forwarded to the said *Delegate*, which was read and adopted.

Mr. Ward on a former day offered the following resolution viz. *Resolved* that the committee of finance be instructed to enquire into the expediency of prescribing by law, a firm in which the books of the Treasurer and auditor of this Territory shall be kept, which was again read and adopted.

"An act for the relief of Joseph W. and Julia Field," was taken up for a reconsideration, and amended, no one dissenting, when on motion of Mr. Bellamy the rule of the house, was waived and the same was passed, ordered that the title be as above stated.

A bill for the relief of F. F. Wynn and others, was read a second time, and on motion of Mr. Wright indefinitely postponed.

A bill to be entitled, an act to authorize the trustees of Quincy Academy in the County of Gadsden to raise by lottery a sum not exceeding one thousand dollars, was read a second time, when the rule was waived, the said bill was read a third time by its title and put on its passage the yeas and nays, being called by Messrs. Warren and Blount, were as follows those in the affirmative were Mr. President, Messrs. Bell, Blount, Compton, Gautier, McBride, Meacham and Ward 8, those in the negative were, Messrs. Bellamy, Bradford, Cooper, Priest, Rizz, Smith, Warren and Wright 8, so the said bill was lost.

The house then adjourned until Monday next at 11 o'clock.

MONDAY, February 11th 1833.

The house met pursuant to adjournment, a quorum being present, the journal of Saturday's proceedings was read.

Mr. Howard gave notice that he will at some future time introduce a bill to be entitled, "an act to repeal an act, concerning the marking and branding of cattle."

Mr. Howard asked and obtained leave (the rule of the house being waived) to introduce a bill to be entitled, "an act giving to Addison Mandell and Daniel McQuaig the exclusive navigation and portage of the river Chipola in this territory," which was read the first time and made the order of the day for to-morrow.

Mr. Compton pursuant to previous notice asked and obtained leave to introduce a bill to be entitled, "an act to provide for the permanent location of the county site in Walton county, and for other purposes," which was read the first time, and made the order of the day for to-morrow.

Mr. Chandler asked and obtained leave, instanter, to introduce a bill to be entitled, "an act for the summoning &c., of grand and petit jurors, in the county and superior courts of the Territory of Florida," which was read the first time by its title and made the order of the day for Thursday: and 18 copies are ordered to be written.

Mr. Ward pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "an act to incorporate the Presbyterian Congregation of Tallahassee," which was read the first time by its title and made the order of the day for to-morrow.

Mr. Smith presented the petition of Rachel Town, "praying authority to sell certain lands," which was read and referred to a select committee, with leave to report by bill or otherwise: Messrs. Smith, Warren and Blount were appointed.

Mr. Smith presented the petition of Joseph W. Hernandez, Ex'r. of Joseph M. Sanchez dec'd, praying authority to convey certain lands belonging to the estate of his testator, which



was read and referred to a select committee with leave to report by bill or otherwise : Messrs. Smith, Bellamy and Cooper were appointed.

Mr. Blount offered a resolution in relation to cattle of non-residents, which was read and laid on the table until to-morrow.

Also in relation to the publication of the laws of the present session, which was read and laid on the table until to-morrow.

Mr. Cooper from the committee on enrollments made the following report :

The committee on enrollments to whom was referred the resolution passed on the 8th ult. instructing them to enquire and ascertain the exact amount of expenses of the legislative council at its present session etc. : Ask leave to report.

That they do not consider it comes within the scope of their duties, and that it properly belongs to the finance committee ; who has charge of all the expenses of the council. They therefore request that they may be discharged from the further consideration thereof. Which was read and agreed to.

Mr. Wright from the judiciary committee reported the following bills :

"A bill for the relief of Maria Hernandez de la Carera Executrix of Milan de la Carera," which was read the first time and made the order of the day for to-morrow.

A bill to be entitled, "an act relating to justices of the peace," which was read the first time and made the order of the day for to-morrow.

A bill to be entitled, "an act authorizing the sale of the real estate of Davis Floyd, deceased," which was read the first time and made the order of the day for to-morrow.

A bill to be entitled, "an act for the relief of the legal representatives of James G. Ringgold dec'd.," which was read the first time, and on motion the rule was waived, the said bill was read a second time by its title, and ordered to be engrossed for a third reading on Wednesday next.

A bill to be entitled, "an act regulating the fees of certain officers," which was read the first time and made the order of the day for Wednesday : and 18 copies are ordered to be written.

A bill to be entitled, "an act to establish county courts, and prescribe their jurisdiction," which was read the first time, and made the order of the day for Wednesday : and 18 copies are ordered to be written.

A bill to be entitled, "an act concerning executions," which was read and made the order of the day for Thursday next : and 18 copies are ordered to be written.

Mr. Bellamy from the committee on finance, made the following report, to wit :

The committee on finance to whom was referred the memorial of the grand jury of Duval county, to exempt the said county from taxation to enable it to pay for the court house therein etc. **REPORT :**

That they have maturely considered the application, and with a desire to grant the same, if it could be extended upon principles of consistency and propriety. The committee how-

ever consider that, it would be setting an injurious precedent, which would be used in other cases, where equal justice and merit do not exist—besides, the committee believes that justice and reason require that the national government should afford relief by a donation of land or otherwise, as is asked for in behalf of Duval county, in a resolution, the council forwarded a few days since ; and they also have such confidence in the justice of Congress as to believe, if the application is properly understood it will be acceded to without difficulty.

The committee therefore for these reasons, report against the present application.

A. BELLAMY, Chairman.

Which was read and agreed to by the house.

Mr. Chandler offered the following resolution, to wit :

*Resolved*, That our delegate in Congress, be requested to use his best exertions toward obtaining the passage of an act, allowing an increased rate of mileage compensation, to the jurors, and witnesses attending on the district court of the United States for the southern district of Florida. Which was read, and the rule of the house being waived was put on its passage and adopted.

Mr. Chandler offered the following resolution, to wit :

*Resolved*, That a select committee be appointed to enquire into the expediency of increasing the rate of mileage compensation, now allowed by law to the jurors and witnesses attending on the superior and inferior courts of the territory, in the southern district of Florida. Which was read, and on motion the rule of the house was waived : the said resolution was put on its passage and adopted : Messrs. Chandler, Wright, and Bradford were appointed thereon.

The house went again into committee of the whole on the bill to be entitled, "an act to provide for holding an election for delegate to Congress, from this territory, members to the legislative council, and certain other officers," after sometime spent therein, the committee arose, and Mr. Ward therefrom, reported progress, and asked leave to sit again : which was concurred in by the house.

Mr. Cooper from the committee on enrolled bills, reported as correctly enrolled :

"An act regulating the rate of interest,"

"An act concerning escheats,"

"An act to authorise the county courts in this territory to appoint inspectors of beef in their respective counties," which were signed by the president of the council.

A bill to be entitled, "an act providing for the building a jail at the city of Key-West and for other purposes," was read a second time and committed to a committee of the whole house : after sometime spent therein the committee arose ; and Mr. Meacham therefrom reported progress and asked leave to sit again : which was concurred in by the house.

An engrossed bill entitled, "an act to declare Oaklawaha river in the counties of Alachua and St. Johns, a navigable stream," was read a third time and passed : ordered that the title be as above stated.



The president laid before the council a communication from his excellency Governor Duval, as follows:

Hon. J. P. BOOTH, president of the legislative council.

EXECUTIVE OFFICE,  
Feb. 11th 1883.

SIR—I have the honour to state to the council, that on the 9th inst. I approved, signed and filed in the executive office the following acts:

“An act declaring cold water creek in, Escambia county a navigable stream.”

“An act providing for the establishment and organization of the St. Augustine guards.”

“An act to provide for an additional term of the superior court in Hamilton county.”

“An act to fix the time and places for holding the several terms of the superior court of the district of east Florida, for the counties of Duval, Nassau and Columbia.”

“An act more effectually to secure the solvency of all the Banks in this territory, and to subject them to the payment of damages if they fail or refuse to pay specie for their notes when demanded.”

“An act for the relief of Shannon and Ballagh.”

“An act to establish the eastern boundary line of Jefferson county.”

“An act for the relief of Jane Aikin.”

And on the 11th inst. I approved, signed and filed in the executive office, “an act to prescribe the time of holding county courts in the county of Monroe.”

I am, respectfully &c.

WILLIAM P. DUVAL.

A bill to be entitled, “an act authorising Farish Carter, Seaton Grantland and the heirs of C. Williamson to build a draw bridge over the St. Marks river,” was postponed, and made the order of the day for Thursday next.

A bill to be entitled, “an act to authorise the testimony of females in all civil cases in the courts of this territory, to be taken by commission,” was read a second time: when the rule of the house was waived: the said bill was read a third time and put on its passage: the yeas and nays being called by Messrs. Howard and Bellamy were as follows: yeas Messrs. Bell, Blount, Bradford, Cooper, M'Bride and Warren 6: nays Mr. President Messrs. Bellamy, Chandler, Compton, Gautier, Howard, Meacham, Priest, Riz, Smith, Ward and Wright 12: so the said bill was lost.

On motion of Mr. Bellamy, a select committee was appointed to draw a bill on the subject of elections: Messrs. Bellamy, Warren and Wright were appointed thereon.

The house then adjourned until to-morrow at 11 o'clock.

TEUESDAY, February 12th 1883.

The house met pursuant to adjournment: a quorum being present, the journal of yesterdays, proceedings was read.

Mr. Gautier pursuant to previous notice asked and obtained leave to introduce a bill to be entitled “an act more accurately to define the boundaries of Fayette County and for other pur-

poses,” which was read the first time, and made the order of the day for to-morrow.

Mr. Bellamy, presented the petition of Maria Fermina Garey, administratrix of John Y. Gary, praying authority to sell his real estate, and for other purposes therein named, which was read and referred to a select committee—Messrs. Bellamy, Smith and Wright were appointed.

Mr. Ward presented the petition of Allen Faircloth, praying an act for his relief as therein expressed which was read and referred to the committee on claims.

Mr. Priest from the committee on the militia reported a bill to be entitled “an act to organize and regulate the militia of the Territory of Florida, and to repeal an act passed 1st February 1832, which was read the first time, and made the order of the day for to-morrow.

Mr. Gautier from the committee on the state of the Territory to whom was referred a bill to be entitled an act to revive and continue in force an act establishing a ferry over the St. Johns at Jacksonville” reported the same with amendment, which was read the first time and made the order of the day for to-morrow.

Mr. Cooper from the committee on enrollments reported as correctly enrolled, “an act for the relief of Francis J. Avice”—which was signed by the President of the Council.

Mr. Smith from the select committee, to whom was referred the petition of Joseph M. Hernandez, reported a bill to be entitled “an act authorizing the conveyance, of a tract of land, belonging to the estate of Joseph M. Sanchez deceased, to the legal representatives and heirs of Jeremiah Ives, deceased, which was read the first time by its title, and made the order of the day for to-morrow.

Mr. Smith from the committee to whom was referred, the petition of Rachel M. Town, widow of Richard Town deceased, reported a bill to be entitled “an act for the relief of Rachel M. Town, widow of Richard Town deceased, and for her infant children” which was read the first time by its title and made the order of the day for to-morrow.

Mr. Ward from the select committee to whom was referred the petition of George Fisher Senior; reported a bill to be entitled an act for the relief of George Fisher senior which was read the first time by its title and made the order of the day for to-morrow.

On motion of Mr. Ward the house again resolved itself into a committee of the whole on the bill entitled an act to incorporate the subscribers to the Union Bank of Florida” and spent sometime therein when they arose, when Mr. Warren therefrom reported said bill with amendments which were concurred in by the house.

Mr. Bradford moved, to amend said bill by adding thereto a section in these words—*And be it further enacted*, that any further legislative council shall have the power, to alter, or amend this act whenever they may deem it necessary, the yeas and nays being called thereon by Messrs. Bradford and Gautier were as follows, yeas Messrs. Bradford, Riz, and Smith 3. nays Mr. President, Messrs. Bell, Bellamy, Blount, Chandler, Com-



ton, Cooper, Gautier, Howard, McBride, Meacham, Priest, Ward, Warren, and Wright 15, so the said amendment was lost.

Mr. Smith moved the following amendment to said bill—*Be it further enacted* that this act shall not go into operation till it has received the express assent of Congress: the yeas and nays being called thereon by Messrs. Smith and Chandler, were as follows yeas Messrs. Bellamy, Bradford, Chandler, Compton, Cooper, Priest, Riz, Smith, 8. nays Mr. President Messrs. Blount, Gautier, Howard, McBride, Meacham, Ward, Warren, and Wright 9. so the said amendment was lost, the rule of the house being waived the said bill was read a third time by its title and put on its final passage: the yeas and nays being called by Messrs. Smith and Chandler were as follows: yeas Mr. President, Messrs. Bellamy, Blount, Gautier, Howard, McBride, Meacham, Ward, Warren and Wright 10, nays Messrs. Bell, Bradford, Chandler, Compton, Cooper, Priest, Riz and Smith 8, so the said bill was passed—ordered that the title be “an act to incorporate the subscribers to the Union Bank of Florida.

The President laid before the Council a communication from his Excellency Governor Duval, in these words:

EXECUTIVE OFFICE, }  
FEBRUARY 12th 1833 }

HON. JOHN P. BOOTH President of the Legislative Council.

SIR—I have this day approved, signed, and filed in the Executive office the following acts “an act concerning estrays” “an act to authorize the County Courts in this Territory to appoint inspectors of beef in their respective counties” and “an act regulating the rates of interest.

I am respectfully your obedient servant.

WILLIAM P. DUVAL.

which was read.

An engrossed bill to be entitled “an act to authorize John M. Wright, to establish a ferry over the Ocklocknee river, was read a third time and passed, ordered that the title be as aforesaid.

The house then adjourned until to-morrow 10 o'clock.

WEDNESDAY, February 13th 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Warren pursuant to previous notice asked and obtained leave to introduce a bill to be entitled, “an act to authorize Joshua A. Coffee to establish a ferry across St. Johns river,” was read the first time and made the order of the day for to-morrow.

Mr. Gautier presented the petition of Joseph F. Wackof, which was read and referred to a select committee: Messrs. Gautier, Howard and Bradford were appointed thereon.

Mr. Ward presented the petition of sundry inhabitants of Leon county, in relation to a draw bridge over St. Marks river, which was read and laid on the table.

Mr. Bellamy from the committee on finance made the following report:

The committee on finance to whom was referred the account

and vouchers of John P. Duval, against the Tallahassee fund for professional services, Report:

That the sum of upwards of one thousand dollars already received by him for professional services, is an abundant compensation.

They therefore beg leave to be discharged from the further consideration of said account, and that the account and vouchers be permitted to be withdrawn. Which was read and agreed to.

Mr. Gautier from the committee on schools and colleges, to whom was referred the bill entitled, “an act concerning school lands,” reported the said bill to the house without amendment: whereupon the said bill was read the first time and made the order of the day for to-day.

Mr. Bellamy from the select committee, to whom was referred the petition of Maria F. Garey: reported a bill to be entitled, “an act for the benefit of the legal representatives of John Y. Garey deceased,” which was read the first time and made the order of the day for to-morrow.

Mr. Smith from the committee on the state of the territory, to whom was referred the petition of sundry citizens of Columbia and Alachua counties, in relation to county boundaries and for other purposes: made the following report:

“The committee on the state of the territory, to whom was referred the several petitions of the citizens of the counties of Alachua and Columbia in relation to the boundary lines of said counties—beg leave to report:

That they have examined and considered said petitions, and find that the petitioners in favour of the present lines dividing said counties, in comparison with those who desire them to be changed, are nearly two to one—guided then by the wishes and opinions of the people, of Alachua and Columbia, as expressed in their petitions, the committee cannot in the absence of other evidence recommend to this council a change of the lines between their respective counties.

The committee have also had under consideration the petition of sundry citizens of Columbia county praying that terms of the superior court for the district of east Florida, may be directed to be holden at the county site of said county. The committee in relation to this petition also beg leave to report, that a term of the superior court is already, by law, held semi annually at Newnansville in the county of Columbia, at a central point selected, while Columbia and Alachua constituted but one county, for the accommodation of the whole population thereof. That now, to direct this court to be removed from this central point, and held at a place more distant from Alachua, would be both inconvenient and unjust to the citizens thereof. It would be the more especially so, till a corresponding court could be directed in Alachua, which, for the present, at least, cannot well be done, as by reason of the recent division of their county they have yet neither court-house erected, nor county site selected therein.

But were the objections above stated, to the establishment of a superior court at the county site in Columbia altogether removed, the committee would still hesitate to recommend it, with-



out great and evident necessity; first, because the terms of the superior court in east Florida are already so numerous as to press heavily on the time and powers of the judge of that district; and secondly, because the terms of the several superior courts throughout this territory have already been increased to such an extent and at such accumulated expense, as to occasion serious apprehensions that the liberal and munificent support heretofore given by the general government, in aid of a judiciary, in the payment of jurors, witnesses, and various other court expenditures may, be altogether withdrawn. The committee therefore, are of opinion, that public policy requires this council to restrict, rather than to increase the terms of our superior courts.

The committee ask to be discharged from the further consideration of the several petitions of the citizens of the counties of Alachua and Columbia. Which was read and agreed to.

Mr. Meacham pursuant to previous notice asked and obtained leave to introduce a bill to be entitled, "an act to authorise the county court of Gadsden county to levy a tax for the purpose of building bridges in said county," which was read the first time and made the order of the day for to-morrow.

Mr. Ward from the select committee to whom was referred the petition of Allen Faircloth: reported a bill to be entitled, "an act for the relief of Allen Faircloth," which was read the first time and made the order of the day for to-morrow.

Also a bill to be entitled, "an act to amend an act entitled 'an act to incorporate the Bank of Florida,' passed the 17th of November 1829," which was read the first time and made the order of the day for to-morrow.

Mr. Gautier offered the following resolution, to wit:

*Resolved*, That this legislative council will adjourn on Saturday the 16th instant *sine die*: which was read and the rule being waived was put on its passage: the yeas and nays being required thereon by Messrs. Gautier and Wright, were as follows: yeas Messrs. Bell, Bellamy, Compton, Gautier, Howard, M'Bride, Meacham and Wright 8: nays, Mr. President, Messrs. Blount, Bradford, Cooper, Priest, Riz, Smith, Ward and Warren 9: so the said resolution was lost.

The bill entitled, "an act concerning patrols," was put on its passage by yeas and yeas, in opposition to the rejection of the governor: yeas Messrs. Bellamy, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Ward and Warren 10: nays Mr. President Messrs. Bell, Blount, Bradford, Chandler, Riz, Smith and Wright 8: The said bill not being passed by the lawful majority of two thirds of the house, was lost.

A bill to be entitled, "an act to provide for the permanent location of the county site in Walton county, and for other purposes," was read a second time by its title and made the order of the day for to-morrow.

A bill to be entitled, "an act giving to Addison Mandell and Daniel M Quaig, the exclusive navigation and portage of the river Chipola in this territory," was read a second time, when the house resolved itself into a committee of the whole on said bill, and after sometime spent therein arose, when Mr. Bell

therefrom, reported progress and asked leave to sit again, which is concurred in by the house.

A bill to be entitled, "an act to incorporate the Presbyterian Congregation of Tallahassee," was read a second time, when the rule was waived, the said bill was read a third time by its title and passed: ordered that the title be as above stated.

A bill for the relief of "Maria Hernandez de la Carera, executrix of Milan de la Carera," was read a second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled, "an act relating to justices of the peace," was read a second time, when the house went into committee of the whole thereon, and spent sometime therein, when they arose: and Mr. Riz therefrom reported the said bill with amendments which were concurred in by the house, and the said bill is ordered to be engrossed for a third reading.

A bill to be entitled, "an act authorizing the sale of the real estate of Davis Floyd deceased," was read a second and third time, the rule being waived and passed: ordered that the title be as above stated.

Mr. Blount on a former day offered the following resolution, to wit:

*Resolved*, That the committee on agriculture, be instructed to enquire into the expediency of providing a more effectual method of preventing the cattle of non-residents from running at large in this territory, and also the expediency of providing a more summary manner of collecting the taxes that are now imposed on the cattle of non-residents. Which was read and adopted.

A bill to be entitled, "an act to regulate the mode of proceeding on attachments," was read a second time, when the house went into committee of the whole, and spent sometime therein when the committee arose; and Mr. Cooper therefrom reported progress and asked leave to sit again: which is concurred in by the house.

The President laid before the council the following communication, to wit:

EXECUTIVE OFFICE,  
Tallahassee, February 15th 1833.

Hon. JOHN P. BOOTH, *President of the council*.

Sir:—I have approved, signed and filed in the secretary's office the "act authorizing the conveyance of a tract of land belonging to the estate of Joseph M. Sanchez deceased, to the legal representatives and heirs of Jeremiah Ives deceased," also

"An act to incorporate the city of Pensacola, and to repeal the act entitled an act to incorporate the city of Pensacola, and improve the public roads in the neighbourhood thereof, approved 5th Dec. 1825," and

"An act to authorize John M. Wright to establish a ferry on the Ocklocknee river."

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

Which was read.

Mr. Warren asked and obtained leave to introduce a bill to



be entitled, "an act to amend the several acts incorporating the town of Appalachicola and for other purposes," which was read the first time and made the order of the day for to-morrow.

The house again resolved itself into a committee of the whole on the bill to be entitled, "an act to provide for holding an election for delegate to Congress from this territory, members to the legislative council, and certain other officers," and after sometime spent therein arose: and Mr. Ward therefrom reported said bill without amendment; which was concurred in by the house.

Mr. Bellamy offered the following resolution, to wit:

*Resolved*, That the committee on elections be instructed to report a bill providing that all elections in this territory shall be *aqua voce*. The rule was waived and said resolution put on its passage: the yeas and nays being thereon called by Messrs. Bellamy and Smith, were as follows: yeas Mr. President Messrs. Bell, Bellamy, Chandler, Cooper, Gautier, Warren and Wright 8: nays Messrs. Blount, Bradford, Compton, Howard, M'Bride, Meacham, Priest, Riz, Smith and Ward 10: so the said resolution was lost.

The house (on motion) went again into committee of the whole, on the bill to be entitled, "an act to provide for holding an election for delegate to Congress from this territory, members to the legislative council, and certain other officers," and after sometime spent therein arose: when Mr. Ward therefrom reported the said bill with amendments: which were concurred in by the house: and thereupon the rule of the house was waived; the said bill was read a third time by its title and put on its passage; the yeas and nays being called by Messrs. Bradford and Smith, were as follows: yeas Mr. President Messrs. Blount, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith and Ward 12: nays Messrs. Bell, Bellamy, Bradford, Warren and Wright 5: so the said bill was passed: ordered that the title be as above stated.

The President laid before the council the petition of Reuben Scott and others, in relation to the judge of Fayette county, which was read and referred to a select committee: Messrs. Smith, Bellamy and Blount were appointed thereon.

A bill to be entitled, "an act regulating the fees of certain officers," was read a second time, and committed to a committee of the whole house: after some time spent therein the committee arose: and Mr. Howard therefrom reported progress, and asked leave to sit again: which is concurred in by the house.

A bill to be entitled "an act to establish county courts, and prescribe their jurisdiction," was read a second time; when the house resolved itself into a committee of the whole thereon; after sometime spent therein the committee arose; and Mr. M'Bride from said committee reported said bill amended, which was concurred in by the house: the rule of the house being waived: the said bill was read a third time by its title and put on its passage: the yeas and nays being called thereon by Messrs. Warren and Bradford were as follows: yeas Mr. Pres-

ident Messrs. Bell, Bellamy, Gautier, Howard, M'Bride, Meacham, Priest, Riz and Smith 10: nays Messrs. Blount, Bradford, Compton, Cooper, Ward and Warren 6: so the said bill was passed, ordered that the title be as above stated.

A bill to be entitled, "an act to revive and continue in force an act establishing a ferry over St. Johns at Jacksonville," was read a second time and made the order of the day for to-morrow.

Mr. Warren offered the following resolution, to wit:

*Resolved*, That in the opinion of this legislative council the judges of the county courts in the several counties in this territory ought to be elected by the qualified voters of the counties respectively. The rule was waived, and the said resolution put on its passage: the yeas and nays being called by Messrs. Warren and Gautier, were as follows: yeas Mr. President Messrs. Blount, Bradford, Compton, Cooper, Priest and Warren 7: nays Messrs. Bell, Bellamy, Gautier, Howard, M'Bride, Meacham, Riz, Smith, Ward and Wright 10: so the said resolution was lost.

An engrossed bill entitled, "an act for the relief of the legal representatives of James G. Ringgold deceased," was read a third time and passed: ordered that the title be as above stated.

A bill to be entitled, "an act authorizing the conveyance of a tract of land belonging to the estate of Joseph M. Sanchez deceased, to the legal representatives of Jeremiah Ives dec'd.," was read the second and third time (the rule of the house being waived) and passed: ordered that the title be as aforesaid.

A bill to be entitled, "an act for the relief of Rachel M. Town widow of Richard Town deceased, and of her infant children," was read the second and third time; the rule being waived, and passed: ordered that the title be as above.

A bill to be entitled, "an act to organize and regulate the Militia of the Territory of Florida, and to repeal 'an act passed 1st Feb. 1832,'" was read a second time by its title, when the house went into committee of the whole thereon; after sometime spent therein the committee arose: and Mr. Compton from said committee reported progress, and asked leave to sit again: which was concurred by the house.

The house then adjourned until to-morrow 10 o'clock.

THURSDAY February, 14th 1833.

The house met pursuant to adjournment a quorum being present, the journals of yesterdays proceedings was read.

Mr. Ward asked and obtained leave to introduce the following bills.

A bill to be entitled "an act regulating appeals in certain cases not heretofore provided for by law.

A bill to be entitled "an act, respecting the public property at St. Marks" a bill to be entitled "an act to provide for appeals and writs of error in criminal cases," and a bill to be entitled "an act respecting mechanics," which were severally read the first time by their titles, and made the order of the day for to-morrow.

Mr. Chandler asked and obtained leave to introduce a bill, to be entitled, "an act to incorporate the Columbian Salt Com-



pany of Key West, "which was read the first time by its title, and made the order of the day for to-day.

Mr. Blount, asked and obtained leave to introduce a bill to be entitled "an act supplemental to an act, concerning, limitations of actions, passed Nov. 4th 1828: which was read the first time and laid on the table.

Mr. Howard asked and obtained leave to introduce a bill to be entitled "an act concerning the sixteenth section of land in each township in this Territory which was read the first time by its title, made the order of the day for to-morrow and 18 copies are ordered.

Mr. Ward presented, a petition of sundry inhabitants of Leon County in relation to the drawbridge over St. Marks river, also a letter from Lieut. Long of the U. S. Engineers, which were filed.

Mr. Blount asked and obtained leave to introduce a bill to be entitled "an act to repeal an act regulating damages on bills of exchange, approved August 12th 1822," which was read the first time and made the order of the day for to-morrow.

Mr. Smith asked and obtained leave to introduce a bill to be entitled "an act in addition to an act concerning wills letters testamentary, and letters of administration, and the duties of administrators and guardians approved Nov. 20th 1828, which was read the first time and 18 copies are ordered to be written.

Mr. Bradford asked and obtained leave to introduce a bill to be entitled "an act in addition to the several acts, concerning the City of Tallahassee, which was read the first time and made the order of the day for to-morrow.

Mr. Smith offered a resolution which was read, and laid on the table until to-morrow.

Mr. Riz offered the following preamble and resolution, which were read, the rule being waived, were put on their passage and adopted.

Mr. Riz, introduced the following resolution viz. *Whereas* the United States Fort Marion, and the public wall, commencing at, and extending from the fort for some distance in front of the City of St. Augustine, are both in a state of delapidation and decay occasioned in part by the force with which the waters of the harbour are driven in and propelled towards them by the swell of the great Atlantic, which unless arrested in its progress by the timely aid, and interposition of the federal government will ere long end in the utter ruin of both, we cannot in our anticipations associate with the fort such destiny without feelings of the deepest regret, for it is universally admired as a proud model of the military art,—history has proclaimed its eminent utility in times past; it has on more than one occasion successfully repelled the arms of a foe too formidable to be met in the field, and thus saved the province from foreign conquest, and who shall say that the security of the City, and surrounding country may not hereafter depend on the condition of that Fort, in any event and at all times it will form a healthy situation for troops embodied for service, and a secure depot for arms ammunition &c.

The sea wall designed, and in part erected by a generous government, to protect the city against the sudden inundations of the ocean caused by violent storms, and to protect the soil, from the gradual encroachments of the sea has long been suffered to decay.

The fort, the sea wall, and the improvements of the bar at the entrance of the harbour have long been objects of lively solicitude with the citizens, and have been made subjects of respectful remonstrance and entreaty by grand juries, it is scarcely necessary to add that the materials for repairing and completing these works, exist abundantly in a neighbouring quarry owned by the United States: therefore, *Be it resolved*, by the Legislative Council of the Territory of Florida, that our D legate be, and he is hereby respectfully requested to direct his particular attention to these subjects, and to procure if practicable, with the least possible delay an appropriation by Congress for the repair of Fort Marion, and the repair and extension of the sea wall, in front of the City of St. Augustine as far as the military barracks of St Francis, and that he be also requested to use his best efforts to obtain an appropriation for deepening the bar and improving the entrance into the harbour of St. Augustine.

*Resolved* that these resolutions be forthwith forwarded to our Delegates in congress

Mr. Ward offered the following resolution to wit; *Resolved* that the judiciary committee be instructed to enquire into the expediency of so modifying the existing laws, that individuals may not be compelled to employ an auctioneer for the sale of their property which was read, the rule being waived, was put on its passage and adopted.

Mr. Cooper from the committee on enrolled bills reported as correctly enrolled, "an act for the relief of the children of Joseph W. and Julia Field" and "an act to incorporate the St Johns and St Augustine canal company which was signed by the President of the council.

Mr. Cooper from the select committee to whom the subject was referred made the following report;

The committee to whom was referred the enquiry into the state of the record of the journal, of this and the preceeding sessions of the Legislative council; ask leave to report that they have performed that duty. And find that the journal of 1831 has not been entirely recorded, that the journal of 1832 is not recorded except the proceedings of a day or two at the beginning of the session. But they have received assurance that the same shall be completed before the next session of the council. And that the journal of the present session is recorded up to the proceedings of the 13th Instant. They therefore beg to be discharged from the further consideration of the subject. Which was read and agreed to.

Mr. Smith from the select committee to whom was referred the petition of William H. Simmons and others of St Augustine; Reported a bill to be entitled an act concerning slaves free negroes and mulattoes, which was read by its title and laid on the table.

Mr. Chandler from the select committee to whom was referred the resolution to enquire in to the expediency of annulling, or modifying the provisions of the 49th section of the act of November 21 1828 entitled an act regulating judicial proceedings, reported a bill to be entitled "an act amendatory of the act of November twenty first one thousand eight hundred and twenty eight, entitled an act regulating judicial proceedings which was read the first time by its title and made the order of the day for to-morrow.



Mr. Gautier asked and obtained leave to introduce a bill to be entitled, "an act for the relief of Joseph F. Wachol," which was read the first time by its title and made the order of the day for to-morrow.

Mr. Smith to whom was referred the petition of Benjamin G. Thornton: reported a bill to be entitled, "an act for the relief of Benjamin G. Thornton," which was read by its title and laid on the table.

Mr. Warren (on motion) called up for reconsideration the bill entitled, "an act to authorize Jane Murray to sell the real estate of George Murray deceased," which had been rejected by the governor on the 4th of February; and moved to amend the same by inserting a preamble; which motion was carried; whereupon the rule of the house was waived; the said bill was put upon its passage and passed: ordered that the title be as above.

Mr. Gautier from the committee to whom the subject was referred, reported a bill to be entitled, "an act to abolish the tax on hawkers and pedlars in certain cases therein named," which was read the first time and made the order of the day for to-morrow.

A bill to be entitled, "an act concerning executions," was read the second time by its title: and referred to a committee of the whole: the house resolved itself into a committee of the whole thereon, and after sometime spent therein arose: when Mr. Howard therefrom reported said bill as amended, which is concurred in, and said bill is ordered for a third reading on to-morrow.

Mr. Howard asked and obtained leave to introduce a bill to be entitled, "an act to define the southern and western boundary line of Jackson county," which was read the first time by its title and made the order of the day for to-morrow.

Mr. Bradford asked and obtained leave to introduce a bill to be entitled "an act to authorize the erection and completion of the Capitol of this Territory and for other purposes" which was read the first time by its title and made the order of the day for to-morrow.

A bill to be entitled "an act concerning school lands" was read the second and third times the rule being waived and passed: ordered that the title be as above stated.

A bill to be entitled an act more accurately to define the boundaries of Fayette County and for other purposes," was read a second time by its title and committed to a committee of the whole house, after some time spent therein the committee arose, and Mr. Bradford therefrom reported said bill as amended which was agreed to by the house, the rule was then waived and said bill was read a third time by its title and passed: ordered that the title be as above stated.

A bill to be entitled, "an act for the relief of George Fisher Senior," was read a second time: the rule was then waived, the said bill was read a third time by its title and passed: ordered that the title be as above stated.

A bill to be entitled, "an act to authorize Joshua A. Coffee and Francois Faulk to establish a ferry across St. Johns river,"

was read the second and third time; the rule being waived, and passed: ordered that the title be as aforesaid.

A bill to be entitled, "an act for the relief of the legal representatives of John Y. Garey deceased," was read the second and third time; the rule being waived, and passed: ordered that the title be as aforesaid.

A bill to be entitled, "an act to authorize the county court of Gadsden county to levy a tax for the purpose of building bridges in said county," was read the second and third time by its title, the rule of the house being waived, and passed: ordered that the title be as before stated.

A bill to be entitled, "an act to provide for the permanent location of the county site in Walton county, and for other purposes," was read the third time and passed: ordered that the title be as before stated.

The committee of the whole again took under consideration a bill to be entitled, "an act giving to Addison Mandell and Daniel M'Quaig the exclusive navigation and portage of the river Chipola in this territory," after sometime spent therein they arose: and Mr. Bell therefrom reported progress and asked leave to sit again, which is concurred in by the house.

The committee of the whole again took under consideration, a bill to be entitled, "an act to regulate the mode of proceeding on attachments," after sometime spent therein they arose: and Mr. Cooper reported the same as amended: which was concurred in by the house, and said bill is ordered to be engrossed for a third reading.

Mr. Bellamy from the committee on finance, asked and obtained leave (the rule of the house being waived) to introduce the following bills.

A bill to be entitled, "an act concerning the commissioner of the Tallahassee fund."

A bill to amend, "an act entitled an act to amend 'an act to provide for the speedy settlement of all arrears due the Territory, approved February 12th 1832.'"

A bill to be entitled, "an act to provide for the compensation of the officers of the council and for other purposes."

A bill to be entitled, "an act to amend the several acts authorizing the raising a revenue for the Territory of Florida, and for other purposes," which were severally read the first time by their titles and made the order of the day for to-morrow.

Mr. Chandler asked and obtained leave (the rule of the house being waived) to introduce a bill to be entitled, "an act amendatory of the several statutes of this territory, concerning executions and attachments," which was read by its title and made the order of the day for to-morrow.

Mr. Chandler from the select committee to whom the same had been respectively referred, asked and obtained leave (the rule of the house being waived) to introduce the following bills.

A bill to be entitled, "an act amendatory of the several acts providing for the mileage compensation of jurors and witnesses, in civil and criminal cases, in the superior and inferior courts of the Territory of Florida."



Also, a bill to "incorporate Senybal and Murray towns," which were severally read by their titles the first time, and made the order of the day for to-morrow.

The house then adjourned until to-morrow 10 o'clock.

FRIDAY February 15, 1833.

The house met pursuant to adjournment, a quorum being present the journal of yesterdays proceedings was read.

Mr. Bellamy moved that the vote taken on yesterday passing "an act concerning school lands," be reconsidered, the yeas and nays being called on said motion by Messrs. Gautier and Smith were as follows: Yeas, Messrs. Bell, Bellamy, Bradford, Compton, Cooper, McBride, Meacham, Priest, Riz, Smith, Ward and Wright, 12—Nays, Mr. President, Messrs. Gautier, Howard and Warren, 4, so the said motion prevailed.

Mr. Warren offered the following resolution:

Resolved, That the auditor of public accounts be instructed to audit and pass to the credit of John Kirkland, tax collector of Nassau county, the sum of fifty-five dollars of uncurrent money which he received in payment of taxes in his county, for the year 1832, and that the auditor be further instructed to allow to the said John Kirkland, eight per cent. on the assessment, and eight per cent. on the collection of the taxes of Nassau county, for the year 1832; and the rule being waived was adopted.

Mr. Cooper from the committee on enrolled bills reported as correctly enrolled the following bills:

"An act to authorise John M. Wright to establish a ferry over the Ocolockonee river."

"An act for the relief of Rachel M. Town, widow of Richard Town dec'd and of her infant children."

"An act authorizing the conveyance of a tract of land belonging to the estate of Joseph M. Sanchez dec'd. to the legal representatives and heirs of Jeremiah Ives dec'd."

"An act for the relief of the legal representatives of James G. Ringgold dec'd."

And "An act to incorporate the city of Pensacola, and to repeal the act entitled an act to incorporate the city of Pensacola, and to improve the public roads in the neighborhood thereof" which were severally signed by the President of the council.

Mr. Wright from the committee on the judiciary made the following report:

The committee on the judiciary to whom was referred the inquiring into the expediency of providing by law for carrying into effect the will of William Glenn, beg leave to report that they have had the subject under consideration and deem that no legislation upon the subject is necessary, or would be proper, they therefore ask to be discharged from the further consideration thereof.

Which was read and agreed to.

Mr. M'Bride offered the following resolution, to wit:

Resolved, That a committee be appointed to examine the accounts of the clerks and other officers of this council; which was read, and the rule being waived, was put on its passage

and adopted. Messrs. M'Bride, Bell and Ward, were appointed.

An engrossed bill to be entitled "an act relating to justices of the peace," was read the third time and passed, ordered that the title be as above stated.

A bill to be entitled "an act to amend the several acts incorporating the town of Apalachicola and for other purposes," was read the second time, the rule being waived, was read a third time by its title and passed, ordered that the title be as above.

A bill to be entitled "an act regulating the fees of certain officers," was again committed to a committee of the whole, who spent sometime in the consideration thereof and arose, when Mr. Howard therefrom reported said bill as amended, which report was concurred in by the house, and it is ordered to be engrossed for a third reading to-morrow.

The following communication was received from his excellency Governor Duval.

To the PRESIDENT of the legislative council.

EXECUTIVE OFFICE, }  
February 15th 1833. }

Sir: The act for the relief of the children of Joseph W. and Julia Field, recites, "that William Harris devised lands described in the bill to Julia Field for her life, with remainder to the heirs of the body of said Julia," and authorises Joseph W. Field to sell the lands so devised in fee simple. I cannot consent to aid in the sale or transfer of any property devised, when the Judiciary is the competent and only tribunal to decide.—Presuming the facts true as stated in the act, I do not consider that the legislative council and Governor possess any power to change or alter this devise. The rights of the wife are disposed of without her consent, and the heirs of her body are not represented legally. The bill also contemplates, an exchange of real estate, which the executive believes he has no power to authorise.

The power attempted to be exercised by the act, legitimately belongs to the Judiciary, and without any expression of opinion as to the validity of the testament of William Harris, I feel confident that the executive ought not to give his approval to the bill. This act would be a dangerous precedent, and the greatest injustice might result to the wife and the devisees in remainder. An act passed 1st February 1832, provides that the real estate of infants may be sold by order of the superior court in chancery. The act is full and ample to secure the interests of infants where the devise shall not prohibit the chancellor from acting, but I take it as a settled principal that in all cases where a testament is duly made, neither the legislature or the court will interfere with the provisions of any will that is not contrary to the laws of the country, at the time of the testators decease.

I am therefore constrained to reject the bill.

I have approved, signed and filed, in the Secretary's office, "An act to incorporate the St Johns and St. Augustine canal company." Very respectfully, your obedient servant,

WM. P. DUVAL.



Which was read, and thereupon the "Act for the relief of the children of Joseph W. and Julia Field" returned rejected by the Governor, was put upon its passage. The yeas and nays thereon were as follows: yeas Messrs. Bellamy, Gautier, Meacham, Smith, Ward, Warren and Wright, 7; nays Mr. President, Messrs. Bell, Blount, Bradford, Chandler, Compton, Cooper, Howard, M'Bride, Priest and Riz, 11; so the said bill is lost.

A bill to be entitled "an act to revive and continue in force an act establishing a ferry over St. Johns at Jacksonville," which was read the third time and passed, ordered that the title be as above.

A bill to be entitled "an act to organize and regulate the militia of the territory of Florida, and to repeal an act passed 1st February 1832," was read the second and third time (the rule being waived) and passed, ordered that the title be as above.

A bill to be entitled "an act to amend an act entitled an act to incorporate the bank of Florida, and to repeal an act to incorporate the bank of Florida, passed 17th November 1829," was read a second time and made the order of the day for to-morrow.

A bill to be entitled "an act authorising Farish Carter, Seaton Grantland, and the heirs of Ch. Williamson to build a draw bridge over the St. Marks River" was referred to a select committee; Messrs Smith, Howard and McBride were appointed.

An engrossed bill entitled "an act for the relief of Maria Hernandez de la Carera executrix of Milan de la Carera dec'd." was read the third time and passed, ordered that the title be as above.

Mr. Blount from the committee on Finance, reported that he had brought from the treasury department 4128 dollars and 25 cents in treasury notes, which had been redeemed by the treasurer and the commissioners of the treasury. Which on his motion was burnt in presence of the council.

A bill to be entitled "an act to provide for appeals and writs of error in criminal cases" was read the second time and made the order of the day for to-morrow.

The following communication was received from his Excellency Governor Duval.

EXECUTIVE OFFICE, }  
Feb. 15th 1833. }

Sir: I return to the council the following acts.

1. For the relief of the legal representatives of James G. Ringgold dec'd.

2. For the relief of Rachel M. Town widow of Richard Town dec'd, and her infant children.

I have during this session in rejecting bills of similar character, given some of the reasons which govern my decision in these cases.

If the council and Governor even possess the power thus to interfere with the rights of individuals, the exercise of such power except in cases of the most imperious necessity should be avoided. The rights of parties may often be injuriously af-

ected. But I would again advert to the reason urged on a former occasion as the most prominent argument against these laws to wit: that the parties interested have ample and sufficient means of aid and remedy, afforded by an application under the laws of the Territory, to our courts of law and equity to which tribunals such matters are properly referable.

Very respectfully,

Your obedient servant,

WM. P. DUVAL.

Hon. J. P. BOOTH, President of the council.

Which was read and thereupon the yeas and nays were taken upon the "act for the relief of the legal representatives of James G. Ringgold dec'd." in opposition to the veto of the Governor, and were as follows, yeas Messrs. Bell, Bellamy, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith, Ward and Warren, 13; nays, Mr. Bradford, 1; so the said act was passed by the lawful majority. The yeas and nays were also taken upon "an act for the relief of Rachel M. Town, widow of Richard Town dec'd. and her infant children" and were as follows, yeas, Messrs. Bell, Bellamy, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith, Ward and Warren, 13; nays; Mr. Bradford, 1; so the said act was passed by the lawful majority.

The following communication was received from his excellency the Governor.

To the Hon. J. P. Booth, president of the council.

EXECUTIVE OFFICE, }  
February 13th 1833. }

Sir: I have approved and signed and filed in the Executive office, an act for the relief of Francis J. Avice, and an act to incorporate the subscribers to the Union Bank of Florida.

I am respectfully,

Your obedient servant,

WM. P. DUVAL.

Which was read.

A bill to be entitled "an act respecting the public property at St. Marks" was read the second and third times, (the rule being waived) and passed, ordered that the title be as above.

A bill to be entitled, "an act respecting Mechanics," was read a second time; Mr. Warren moved that the first section and enacting clause of said bill be stricken out, which motion prevailed and said bill is lost.

A bill to be entitled, "an act supplemental to 'an act concerning limitations of actions, passed Nov. 4th 1828,'" was read the second time and made the order of the day for to-morrow.

A bill to be entitled, "an act concerning the sixteenth sections of land in each township in this territory," was committed to a committee of the whole house, after sometime spent therein, the committee arose, and Mr. Warren therefrom, reported said bill with the first section and enacting clause stricken out; the question of agreeing to the report of the committee was decided by yeas and nays which were as follows: yeas



Messrs. Bell, Bellamy, Bradford, Compton, Cooper, Priest, Riz, & Wright 8: nays Messrs. Gautier, Howard, Meacham, Smith, Ward and Warren 6: so the said report was concurred in by the house, and the said bill was lost.

A bill to be entitled, "an act to repeal the first, second, third and fourth sections of the act entitled 'an act to amend an act to raise a revenue for the territory of Florid, approved February 12, 1832' and for other purposes," was read the second time, and made the order of the day for to-morrow.

A bill to be entitled, "an act to repeal the second section of the act entitled 'an act to provide for the speedy settlement of all arrears due the Territory of Florida, approved February 12th 1832,' and for other purposes," was read the second time and made the order of the day for to-morrow.

A bill to be entitled, "an act regulating appeals in certain cases not heretofore provided for by law," was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled, "an act regulating damages on bills of exchange, approved August the 12th 1822," was read a second time and made the order of the day for to-morrow.

A bill to be entitled, "an act in addition to an act concerning wills, letters testamentary, and letters of administration, and the duties of administrators and guardians, approved Nov. 20th 1828," was read a second time by its title (the rule being waived) was read a third time and passed: ordered that the title be as above.

A bill to be entitled, "an act in addition to the several acts concerning the city of Tallahassee," was read a second time: The house then resolved itself into a committee of the whole, on said bill, and after sometime spent therein arose; when Mr. Gautier from said committee reported said bill as amended, which was agreed to by the house, (the rule being waived) the said bill was read a third time and passed; ordered that the title be as aforesaid.

Mr. Smith, on yesterday, offered the following resolution, to wit:

*Whereas*, it may become necessary to the interests and welfare of this territory, that the place of holding the legislative council, and court of appeals of this territory should be changed.

*Therefore be it resolved by the legislative council of the Territory of Florida*, That the delegate of this territory in Congress, be requested to use his best exertions to procure the passage of an act providing that the marshal of the district and the clerk of the superior court for the county, within which the said court of appeals may at any time be held, shall be respectively the executive officer and clerk of said court of appeals.

*Be it further resolved*, That a copy of this resolution be transmitted to the said delegate.

Which was read and put on its passage; the yeas and nays being called by Messrs. Ward and Cooper were as follows: yeas Mr. President Messrs. Bell, Blount, Cooper, Gautier, Howard, Priest, Riz, Smith and Warren 10: nays Messrs. Bellamy,

Bradford, Chandler, Compton, M'Bride, Meacham, Ward and Wright 8: so the said resolution was adopted.

Mr. Bellamy offered a resolution, the rule being waived, which was laid on the table until to-morrow.

Mr. Smith from the majority moved that the bill entitled, "an act concerning patrols," which was heretofore lost on its final passage, be reconsidered, which motion prevailed; and the said bill is referred to a select committee; Messrs. Smith, Gautier and Bradford, are appointed thereon.

A bill to be entitled, "an act amendatory of the act of Nov. 21st 1828, entitled 'an act regulating judicial proceedings,'" was read the second and third time (the rule being waived) and passed: ordered that the title be as before stated.

A bill to be entitled, "an act for the relief of Joseph F. Wachob," was read the second time, and committed to a committee of the whole, after sometime spent therein the committee arose; and Mr. Chandler therefrom reported said bill without amendment, which was agreed to by the house; (the rule being waived) the said bill was read a third time and passed: ordered that the title be as before stated.

A bill to be entitled, "an act to abolish the tax on hawkers and Pedlers in certain cases therein named," was read the second and third time (the rule being waived) and passed: ordered that the title be as above.

An engrossed bill entitled, "an act concerning executions," was read the third time, when Mr. Ward moved to amend the first section thereof, by inserting "sixty" in the place of "one hundred and twenty days:" the yeas and nays being called on said motion by Messrs. Ward and Bellamy were as follows: yeas Messrs. Bellamy, Bradford, Ward and Wright 4: nays Messrs. Bell, Blount, Chandler, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith and Warren 13: so the said amendment was lost. The said bill was then put on its final passage, the yeas and nays being called by Messrs. Bellamy and Bradford were as follows: yeas Messrs. Bell, Blount, Chandler, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith, Warren and Wright 14: nays Messrs. Bellamy, Bradford and Ward 3: so the said bill was passed: ordered that the title be as aforesaid.

A bill to be entitled, "an act to define and fix the southern and western boundary line of Jackson county," was read the second time, and committed to a committee of the whole house, after sometime spent therein the committee arose: and Mr. M'Bride reported a substituted bill therefor, with the same title, which was concurred in by the house; (the rule was then waived) the said bill was read a third time and passed: ordered that the title be as before stated.

A bill to be entitled, "an act giving to Addison Mandell and Daniel M'Quaig the exclusive navigation and portage of the river Chipola, in this territory," was again taken up in committee of the whole, after sometime spent therein the committee arose; and Mr. Bell therefrom reported said bill to the house,



with the first section and enacting clause stricken out, which report was concurred in by the house; and the said bill is lost.

An engrossed bill entitled, "an act regulating the mode of proceeding on attachments," was read the third time and passed: ordered that the title be as aforesaid.

A bill to be entitled, "an act amendatory of the several statutes of this territory, concerning executions and attachments," was read the second and third time (the rule being waived) and passed: ordered that the title be as before stated.

A bill to be entitled, "an act amendatory of the several acts providing for the mileage compensation of jurors and witnesses in civil and criminal cases in the superior and inferior courts of the Territory of Florida," was read the second time; when Mr. Howard moved the indefinite postponement of said bill: the yeas and nays being thereon called by Messrs. Chandler and Bradford were as follows: yeas Messrs. Bell, Bellamy, Blount, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith and Ward 13: nays Messrs. Bradford, Chandler, Warren and Wright 4: so the said motion prevailed and the bill is lost.

The house then adjourned until to-morrow 10 o'clock.

SATURDAY, February 16th 1833.

The house met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Meacham moved that the vote, by which the bill entitled, "an act concerning executions," was passed, be reconsidered with a view to amendment, upon which motion the yeas and nays were called for by Messrs. Warren and Meacham, and were as follows: yeas Mr. President, Messrs. Bell, Bellamy, Bradford, Compton, Cooper, M'Bride, Meacham, Priest, Smith and Ward 11: nays Messrs. Chandler, Gautier, Howard, Riz, Warren and Wright 6: so the said motion prevailed, and the said bill is ordered to be reconsidered, and is made the order of the day for to day.

Mr. Bellamy offered the following resolution, to wit:

RESOLVED, That the officers of the treasury allow Lewis Norton sheriff of Madison county, ten per. cent. on the taxes of said county, for the years 1830 and 1831, for the collection thereof. Which was read and (the rule being waived) was adopted.

Mr. Gautier offered the following resolution:

WHEREAS, it is considered that the governor and legislative council of this territory have no power to remove judicial officers, regularly commissioned, until the expiration of their legal term of office; and whereas the exercise of this power may be necessary for the wholesome administration of justice.

Be it therefore resolved, That our delegate in Congress be requested to urge the passage of a law giving to this council the right to impeach and remove from office all judicial officers appointed by and with the consideration of the legislative council. Which was read (the rule being waived) was adopted.

Mr. Riz offered the following resolution:

RESOLVED, That the governor of this territory be, and he is,

hereby requested to use every exertion in his power, to have the compilation of the laws of this territory, for which an appropriation was made by Congress at the last session, forwarded to the respective counties in this territory as soon as practicable after printing of the same. Which was read, and (the rule being waived) was adopted.

Mr. Cooper from the committee on enrolled bills, reported as correctly enrolled.

"An act for the relief of Allen Faircloth."

"An act to authorize the county court of Gadsden county to levy a tax for the purpose of building bridges in said county."

"An act to incorporate the Presbyterian Congregation of Tallahassee."

"An act authorizing the sale of the real estate of Davis Floyd deceased."

"An act to provide for the permanent location of the county site in Walton county and for other purposes."

"An act for the relief of Maria Hernandez de la Carera, executrix of Milan de la Carera."

"An act more accurately to define the boundaries of Fayette county and for other purposes," and

"An act to declare Ocklawaha river in the county of Alachua and St. Johns a navigable stream," which were severally signed by the President of the council.

Mr. Wright from the committee on the judiciary made the following report.

The committee on the judiciary, to whom was referred the resolution requiring an enquiry into the expediency of so modifying the existing laws, that individuals may not be compelled to employ an auctioneer for the sale of their property; have the honour to report, that said resolution was referred on the last day for presenting bills, and not in time for the committee to act upon the subject conformably to the rule of the house forbidding the introduction of all bills on the three last days of the session. The committee therefore ask to be discharged from the further consideration of the subject. Which was read and adopted.

Mr. Warren from the select committee, appointed to contract with the printer, made the following report.

The select committee appointed to make a contract for printing the laws and the miscellaneous printing of the house; report that they have made a contract with William Wilson agreeably to his proposals now before this house, and that they have taken a bond from said Wilson for the faithful performance of said contract, which is herewith presented. Which was read and agreed to.

Mr. Chandler from the committee to whom was referred the petition of sundry persons, settlers at Charlotte Harbour, made the following report.

The select committee to whom was referred a petition of sundry persons settlers on the lands claimed by Richard Hackley, at Charlotte Harbour in the Territory of Florida, have had the said petition for sometime under consideration, and beg leave



to report, that the arguments urged in the petition, have satisfied them, that it would be entirely proper that the legislature of Florida should grant the prayer of the petitioners, nor that Congress would sanction its so doing: The privileges which are claimed, are exclusive and far greater than have in any instance hitherto been accorded to the citizens of any community in the territory, and the committee can see no reason, why those privileges should be accorded on the present application. It is a fruitful subject of gratulation, that the portion of the territory embraced in the southern district of Florida, has already received and is still receiving great accessions to its population and it is important, and as the committee believe, necessary that the settlements contemplated in the petition should be incorporated and governed by wholesome laws adapted to their wishes and their wants, and with this view, the committee beg leave to submit the accompanying bill, and to be discharged from the further consideration of the subject. Which was read and agreed to.

A bill to be entitled, "an act to amend an act entitled, 'an act to incorporate the Bank of Florida,' and to repeal an act to incorporate the Bank of Florida, passed 17th of Nov. 1829," was committed to a committee of the whole house, after sometime spent therein the committee arose: and Mr. M'Bride therefrom reported said bill amended: whereupon the said bill was read a third time, and put on its passage, the yeas and nays being called by Messrs. Ward and Warrn were as follows: yeas Mr. President Messrs. Bellamy, Bradford, Compton, M'Bride, Meacham, Priest, Smith and Ward 9: nays Messrs. Bell, Bellamy, [Blount,] Chandler, Cooper, Gautier, Howard, Riz, Warren and Wright 9: so the said bill is lost.

A bill to be entitled, "an act to provide for appeals and writs of error in criminal cases," was committed to a committee of the whole house, after sometime spent in the consideration thereof, the committee arose: and Mr. Chandler therefrom reported said bill as amended; which was agreed to by the house, the said bill was read a third time and passed: ordered that the title be as before stated.

A bill to be entitled, "an act supplemental to an act concerning limitations of actions, passed Nov. 4th 1828," was read a third time and passed: ordered that the title be as aforesaid.

The following communication from his excellency Governor Duval.

EXECUTIVE OFFICE,  
February 16th 1833.

Hon. J. P. BOOTH President of the legislative council.

SIR:—I have the honour to inform you, I have approved, signed and filed in the executive office the following acts.

"An act to declare Ocklawaha river in the county of Alachua and St. Johns a navigable stream."

"An act to authorize the county court of Gadsden county to levy a tax for the purpose of building bridges in said county."

"An act authorizing the sale of the real estate of Davis deceased."

"An act more accurately to define the boundaries of Fayette county, and for other purposes."

"An act to provide for the permanent location of the county site in Walton county, and for other purposes."

"An act to incorporate the Presbyterian Congregation of Tallahassee."

"An act for the relief of Allen Faircloth."

I am, respectfully, your obedient servant,  
WILLIAM P. DUVAL.

Which was read.

The bill to be entitled, "an act to authorize the erection and completion of the capitol of this territory and for other purposes," was read the second time by its title; and committed to a committee of the whole house: after sometime spent therein the committee arose: and Mr. Compton therefrom reported said bill, all except the enacting clause, stricken out: the yeas and nays being called on agreeing to the report of the committee, by Messrs. Warren and Bradford were as follows: yeas Messrs. Bell, Bellamy, Compton, Cooper, Gautier, Howard, Priest, Riz, Smith and Wright 10: nays Mr. President Messrs. Blount, Bradford, M'Bride, Meacham, Ward and Warren 7: so the said report is concurred in, and the said bill is lost.

The following communication was received from his excellency Governor Duval.

EXECUTIVE OFFICE,  
February 15, 1833.

SIR:—I return the bill entitled, "an act regulating the mode of prosecuting on attachment."

I cannot agree to that provision contained in the third section of this bill, which allows attachments to be sued out although the debt may not be due. I would observe also that the phraseology of the bill in using the terms "certain debts" &c. without specifying the kind or character of debts intended to be made subject to this provision requires amendment.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

Hon. J. P. BOOTH President of the council.

And thereupon the said bill is ordered to be reconsidered, and the house went into committee of the whole thereon: after sometime spent therein the committee arose: and Mr. M'Bride therefrom, reported said bill with the third section stricken out which was concurred in, and the said bill, read a third time by its title and put upon its passage: the yeas and nays being called thereon by Mr. Warren and Bradford, were as follows: yeas Messrs. Blount, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith, Ward, Warren & Wright 13: nays Mr. President Messrs. Bell, Bellamy and Bradford 4: so the said bill is passed, ordered that the title be as aforesaid.

Also, the following:

EXECUTIVE OFFICE,  
February 16th 1833.

To the President of the legislative council.

SIR:—The following acts have been rejected by me.



"An act for the relief of Maria Hernandez de la Carera, executrix of Milan de la Carera."

"An act to authorize Jane Murray to sell the real estate of George Murray deceased," and

"An act for the relief of the legal representatives of John Y. Garey deceased."

I do not believe I possess the authority to act in these cases—my reasons are already before the legislature, and I cannot consent without right, to incur so great a responsibility, as to consent to such acts, as may, and in my opinion will be decided by our courts as invalid.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

And thereupon the yeas and nays were taken on the final passage, of said acts against the veto of the governor, to wit:

"An act to authorize the sale of the real estate of George Murray deceased." And were as follows yeas Mr. President, Messrs. Bell, Bellamy, Blount, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith, Ward, Warren and Wright 16: nays Mr. Bradford 1: so the said act is passed by the lawful majority

"An act for the relief of Maria Hernandez de la Carera, executrix of Milan de la Carera." Yeas Mr. President, Messrs. Bell, Bellamy, Blount, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith, Ward, Warren and Wright 16: nays Mr. Bradford 1: so the said bill was passed by the lawful majority.

Also, "an act for the relief of the legal representatives of John Y. Garey deceased." Yeas Mr. President, Messrs. Bell, Bellamy, Blount, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith, Ward, Warren and Wright 16: nays Mr. Bradford 1: so the said bill is passed by the lawful majority.

Mr. Blount moved to reconsider the vote taken on the final passage of an act entitled, "an act for the relief of the children of Joseph W. and Julia Field," which motion prevailed; and hereupon the vote was taken upon the final passage of said act, in opposition to the veto of the governor. Yeas Mr. President Messrs. Bell, Bellamy, Blount, Compton, Cooper, Gautier, Howard, M'Bride, Meacham, Priest, Riz, Smith, Ward, Warren and Wright 16: nays Mr. Bradford 1: so the said act is passed by the lawful majority.

The President laid before the council the following communication from his excellency Governor Duval.

EXECUTIVE OFFICE,  
February 16th 1833.

To the President of the legislative council.

SIR:—I have this day approved, signed, and filed in the executive office the following acts.

"An act to authorize Joshua A. Coffee and Francis Faulkner to establish a ferry across St. Johns river."

"An act respecting the public property at St. Marks."

"An act to abolish the tax on hawkers and pedlars in certain cases therein named."

"An act relating to justices of the peace."

"An act to revive and continue in force an act establishing a ferry over St. Johns at Jacksonville."

"An act to amend the several acts incorporating the town of Appalachicola, and for other purposes."

"An act for the relief of Joseph F. Wachob."

"An act amendatory of the act of November 21st 1828, entitled, 'an act regulating judicial proceedings,'" and

"An act to define and fix the southern and western boundary line of Jackson county."

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

Which was read.

The following resolution offered on yesterday by Mr. Bellamy was read and put on its passage.

Be it resolved by the governor and legislative council of Florida That the delegate in Congress be requested to use his best exertions to have a law passed, apportioning the representation of Florida according to population

Be it further resolved, That these resolutions be forwarded forthwith to our delegate.

The yeas and nays being called by Messrs. Bellamy & Ward were as follows: yeas Messrs. Bellamy, Bradford, Compton, Cooper, Howard, M'Bride, Meacham, Priest, Riz, Ward and Wright 11: nays Mr. President, Messrs. Bell, Blount, Smith and Warren 5: so the said resolution was adopted.

The bill entitled, "an act concerning patrols," was amended in the fifth and fifteenth sections, no one dissenting; and put on its passage, the yeas and nays being called by Messrs. Warren and Wright, were as follows: yeas Mr. President, Messrs. Bell, Blount, Compton, Cooper, Howard, M'Bride, Meacham, Priest, Riz, Ward and Warren 12: nays Messrs. Bellamy, Bradford, Smith and Wright 4: so the said bill is passed: ordered that the title be as aforesaid.

Mr. Bellamy from the committee on finance made the following report.

The committee on finance to whom was referred the reports and accounts of the treasurer and auditor, and the accounts in reference to the Tallahassee fund, together with the report of the commissioners under the "act to provide for the speedy settlement of all arrears due the Territory of Florida," beg leave to report:

That in the discharge of their duty they conceived it advisable to investigate the accounts of the late treasurer, Mr. Floyd—that upon enquiry at the treasury, it was ascertained he had not kept a set of books; a day-book and ledger, kept by the late auditor, Mr. Garey, were delivered to them: Neither the confused manner of the entries in these books, nor their mutilated state, prevented the committee from giving them a careful investigation. In this investigation, where doubt presented itself, the committee have conceded the advantage to the treasurer.



er. They find him indebted to the territory, on the 12th day of December 1831, in the sum of 1,202 9 cents; to this sum must be added 479 53 1-2 cents, not charged on the books, but recently ascertained to be chargeable to the treasurer and sustained by vouchers in possession of the commissioners of the treasury as having been paid by F. J. Avise, tax collector of St. Johns county—it is not doubted by your committee that receipts of the same character will be presented at the treasury, when the individuals supposed to possess them shall be compelled to account for the sums in which they stand charged, on the books: In the accounts of Mr. Floyd, he had been charged with the sum of 1,220, for land purchased from the territory he had no title for this land, for he, himself, was the only person who could make one. The committee have given him credit for the 1,220, which saves the land to the territory, and leaves him indebted to it, as far as has been ascertained, in the sum of 1,681 53 1-2 cents as treasurer; and leaves to his credit, on account of the Tallahassee fund 13 11cts. For the recovery of this balance to the territory, your committee recommend that suit be, forthwith, instituted upon his official bonds.

The next subject taken into consideration by the committee was the report of the commissioners. It appears from their report that there was due from the territory, on the 30th November 1831, the sum of 6,595 31 1-4cts: To meet which, there appears to be due from individuals the sum of 67,89 83 cents. The committee have caused a statement to be prepared, of the state of the territory at the end of the last fiscal year (November 30th 1832,) herewith submitted, by which it will appear that the territory is indebted in the sum of 7,648 84 1 4 cents. To meet which, there are debts etc. due the territory, amounting to the sum of 11,063 37 1-4 cents. The committee cannot, however, rely, with certainty, upon the collection of these debts, as in most of the cases, the individuals are insolvent, and their official bonds informally taken. The committee will therefore say that the debt now due by the territory, amounts, in round Nos., to the sum of 6,000, which has been suffered to accumulate by the inattention and mismanagement of the former officers, whose imperative duty it was, to see that all persons, charged with the collection and disbursement of public money should properly account.

The law of the last session of the council to "provide for the speedy settlement of all arrears due the Territory of Florida," having effected the object for which it was made, the committee recommend that it be repealed, except so much as refers to the manner of collecting the debts due to the territory; and, for that purpose, have reported a bill.

The accounts of the commissioners of the Tallahassee fund, have been examined and all the charges made therein, are properly sustained by a voucher: There now appears to be available of that fund, the sum of 24,021 26 cents; which sum, the committee recommend, be employed in the building and completion of the capitol before it is consumed in commissions and counsel fees: This fund, it seems, has heretofore been

considered a fair subject for the most extravagant charges of commissions and lawyer's fees: so much so, that, together with its bad management, the munificence of the general government has been, in a great measure, defeated: The committee would, however, remark that that the present commissioner, Turbutt R. Betton esquire; has, as far as has come to their knowledge, discharged his duty with fidelity to the public, and credit to himself. The committee respectfully recommend that the present system of allowing commissions for receiving and disbursing the proceeds of the fund be abolished and that a small salary be allowed in full of all services—each resignation, and now amounting being a tax of 7 1-2 per. cent. upon it.

The accounts of the present treasurer have been carefully and attentively examined: they have been found correct, as well as the books and accounts of the present auditor. It will appear, by reference to the paper marked D., that only four tax collectors have paid into the treasury the taxes for the year 1832. Measures should be taken requiring more prompt accountability on the part of that class of officers.

The system of territorial taxation, the committee are satisfied, ought never to have been established and should be abolished, as soon as the present debts of the territory are paid off: In our territory where the expenses of the executive, legislative and judicial departments are paid by the general government, there should be no tax except for county purposes; and yet by comparison with the taxes of the adjoining states, where all the burthens of the state government are borne by the people, it will be perceived that the taxes in this territory exceed them, from 30 to 50 per. cent: This system of policy contributes to check emigration to the territory; and, as long as persisted in will continue to do so.

The committee received from the treasurer the sum of 4,182 25 cents in treasury notes which had been received by the commissioners and treasurer during the past year: This amount, together with all the blank treasury notes, the committee burned in presence of the council.

The paper marked A, together with the accompanying documents, marked No. 1, 2, 3, 4 and 5, comprise the report of the commissioners appointed under the "act of the council providing for the speedy settlement of all arrears due the Territory of Florida:" that marked B, is the annual report and account current of the treasurer for 1832: that marked C, with the exhibits No. 1, 2, 3, 4 and 5, contains the auditor's report for the same year: that marked D, contains a report of the treasurer showing a statement from the auditor of the tax returned for the year 1832, with the amount paid; and showing, also, the names of the counties from which no returns have been received; and, that marked E, exhibits the state of the finances of the territory on the 30th day of November 1832.

All of which is respectfully submitted.

which was read and agreed to.

A bill to be entitled, "an act concerning slaves, free negroes, and mulattoes," was on motion of Mr. Bellamy indefinitely postponed.



A bill to be entitled, "an act to incorporate the Columbian Salt Company of Key-West," was on motion of Mr. Smith indefinitely postponed.

Also a bill to be entitled, "an act for the summoning etc. of Grand and Petit Jurors in the County and Superior Courts of the Territory of Florida, and for other purposes," was indefinitely postponed.

A bill for the relief of "Benjamin G. Thornton," was read the second time; whereupon Mr. Bellamy moved that said bill be indefinitely postponed: the yeas and nays being thereon called by Messrs. Warren & Bellamy, were as follows: yeas Messrs. Bell, Bellamy, Compton, Cooper, Gautier, Meacham, Priest, Riz and Warren 9: nays Mr. President, Messrs. Blount, Bradford, Howard, Smith and Ward 6: so the said motion prevailed.

An engrossed bill to be entitled, "an act regulating the fees of certain officers," was read the third time and put on its final passage; the yeas and nays being called thereon by Messrs. Warren and Bellamy, were as follows: yeas Mr. President, Messrs. Blount, Compton, Gautier, M'Bride, Riz and Smith 7: nays Messrs. Bell, Bellamy, Bradford, Cooper, Howard, Meacham, Priest, Ward and Warren 9: so the said bill is lost.

A bill to be entitled, "an act to incorporate Senybal & Murray towns," was indefinitely postponed.

A bill to be entitled, "an act to repeal the fourth section of the act entitled an act to amend an act to raise a revenue for the Territory of Florida, approved February 12th 1832, and for other purposes," was read the third time; Mr. Warren moved that the second section of said bill be stricken out; the yeas and nays being thereon called by Messrs. Warren and Smith, were as follows: yeas Messrs. Bellamy, Cooper, Gautier and Warren 4: nays Mr. President, Messrs. Bell, Blount, Bradford, Compton, Howard, M'Bride, Meacham, Priest, Riz, Smith and Ward 12: so the said motion was lost.

The yeas and nays being called on the passage of the bill by Messrs. Warren and Gautier, were as follows: yeas Mr. President, Messrs. Bell, Blount, Howard, Meacham, Riz and Smith 7: nays Messrs. Bellamy, Bradford, Compton, Cooper, Gautier, M'Bride, Priest, Ward and Warren 9: so the said bill is lost.

A bill to be entitled, "an act to provide for the speedy settlement of all arrears due the Territory of Florida, approved 12th February 1832, and for other purposes," was read the third time: Mr. Warren moved to strike out the first section, and the yeas and nays being thereon called by Messrs. Warren and Bradford, were as follows: yeas Messrs. Bradford, Compton, Cooper, Meacham and Warren 5: nays Mr. President, Messrs. Bell, Bellamy, Blount, Gautier, Howard, Priest, Riz, Smith and Ward 10: so the said motion was lost.

The yeas and nays being called on the passage of said bill were as follows: yeas Mr. President, Messrs. Bell, Bellamy, Gautier, Howard, Meacham, Riz and Smith 8: nays Messrs. Blount, Bradford, Compton, Cooper, Priest, Ward and Warren 7: and the bill was passed: title changed.

A bill to be entitled, "an act concerning the commissioner of

the Tallahassee fund," was read the third time and passed: ordered that the title be as above.

A bill to amend an act to be entitled, "an act to provide for the speedy settlement of all arrears due the territory of Florida, approved Feb. 12th 1832, and for other purposes," was read the third time and passed: ordered that the title be as aforesaid.

The house then adjourned until to-morrow 10 o'clock.

SUNDAY, February 17, 1833.

The house met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Cooper moved that the vote taken yesterday passing the resolution offered by Mr. Bellamy on the subject of equal representation, be reconsidered: the yeas and nays being called on said motion by Mr. Warren and Cooper, were as follows: yeas Mr. President, Messrs. Bell, Blount, Chandler, Compton, Cooper, Gautier, Howard, Priest, Riz, Smith, Ward and Warren 13: nays Messrs. Bellamy, Bradford, M'Bride, Meacham & Wright 5: so the said motion prevailed, and the said resolution is reconsidered.

Mr. Wright moved the following substitute therefor.

RESOLVED, That the delegate in Congress be requested to use his best exertions to procure the passage of an act of Congress authorizing the people of the middle district of Florida, to elect such number of members to the legislative council, in addition to those already allowed by law, as will make the representation of the different counties of the territory as nearly equal as practicable, in proportion to population.

And thereupon Mr. Gautier moved to lay the original resolution and substitute on the table until the 4th of July next: the yeas and nays being thereon called by Messrs. Bellamy and Warren, were as follows: yeas Mr. President Messrs. Blount, Chandler, Compton, Cooper, Gautier, Howard, Riz, Smith and Warren 10: nays Messrs. Bell, Bellamy, Bradford, M'Bride, Meacham, Priest, Ward and Wright 8: so the said motion prevailed, and the resolution is lost.

Mr. Chandler moved to reconsider the vote on the bill entitled, "an act for the relief of Benjamin G. Thornton," by which said bill was indefinitely postponed; which prevailed, and the said bill is ordered to be reconsidered, and committed to a committee of the whole.

The house went into committee of the whole on said bill, after sometime spent therein they arose: and Mr. Compton therefrom reported said bill as amended: whereupon the said bill was read a third time and put on its passage, the yeas and nays being called thereon by Messrs. Bellamy and Warren, were as follows: yeas Mr. President Messrs. Blount, Bradford, Chandler, Howard, M'Bride, Meacham, Priest, Riz, Smith, Ward and Wright 12: nays Messrs. Bell, Bellamy, Compton, Cooper, Gautier and Warren 6: so the said bill is passed: ordered that the title be "an act for the relief of Benjamin G. Thornton and Jesse H. Willis."

Mr. Meacham moved to reconsider the vote taken on the bill entitled, "an act regulating the fees of certain officers," which



prevailed, and thereupon the house went into committee of the whole thereon; after sometime spent therein the committee arose; and Mr. M'Bride therefrom reported a substitute for said bill entitled, "an act relating to fees," which was concurred in by the house, and the said bill was read a third time and put on its passage: the yeas and nays being called thereon, were as follows: yeas Mr President Messrs. Bell, Bellamy, Blount, Compton, Cooper, Gautier, Priest, Riz, Smith, Ward and Warren 12: nays Messrs. Bradford, Chandler, Howard, M'Bride and Meacham 5: so the said bill is passed: ordered that the title be as aforesaid.

The vote taken on the passage of the bill entitled, "an act to amend an act to incorporate the Bank of Florida, and to repeal an act to incorporate the Bank of Florida, passed the 17th of November 1829," was on motion of Mr. \_\_\_\_\_ reconsidered, and the said bill was put on its passage and passed: ordered that the title be as aforesaid.

Mr. Cooper from the committee on enrolled bills, reported as correctly enrolled—

"An act to provide for holding an election for delegate to Congress from this territory, members to the legislative council and certain other officers."

"An act for the relief of the legal representatives of John Y. Garey deceased."

"An act to define and fix the southern and western line of Jackson county."

"An act to amend the several acts incorporating the town of Appalachicola, and for other purposes."

"An act for the relief of Joseph F. Wachob."

"An act amendatory of the act of November 21st 1828, entitled an act regulating judicial proceedings."

"An act to revive and continue in force an act establishing a ferry over the river St. Johns, at Jacksonville."

"An act regulating the mode of proceeding on attachments."

"An act in addition to the several acts concerning the city of Tallahassee."

"An act concerning the commissioner of the Tallahassee fund."

"An act to authorize Joshua A. Coffee, and Francis Faulkner to establish a ferry across the St. Johns river."

"An act respecting the public property at St. Marks."

"An act relating to justices of the peace."

"An act to abolish the tax on hawkers and pedlars in certain cases therein named."

"An act to repeal parts of acts in said act specified."

"An act in addition to an act concerning wills letters testamentary, and letters of administration and the duties of administrators and guardians, approved November 20th 1828."

"An act to provide for appeals and writs of error in criminal cases."

"An act supplemental to an act concerning limitations of actions, passed November 4th 1828."

"An act amendatory of the several statutes of this territory concerning executions and attachments."

"An act to organize and regulate the militia of the Territory of Florida, and to repeal an act passed 1st February 1832."

"An act to repeal the act to provide for the speedy settlement of all arrears due the Territory of Florida, approved February 12th 1832, and for other purposes."

"An act regulating damages on bills of exchange."

"An act amendatory to the several acts providing for the building a jail at Key-West."

"An act relating to fees."

"An act regulating appeals in certain cases not heretofore provided for by law."

"An act concerning executions."

"An act for the relief of Benjamin G. Thornton and Jesse H. Willis."

"An act to establish county courts and prescribe their jurisdiction."

"An act to incorporate the Columbian Salt company at Key-West."

"An act to amend an act entitled an act to incorporate the Bank of Florida, and to repeal an act to incorporate the Bank of Florida, passed the 17th Nov. 1829."

"An act to incorporate Senybal and Murray towns," which were severally signed by the President of the council.

The President laid before the council the following communication from his excellency Governor Duval.

EXECUTIVE OFFICE, }  
February 17th 1833. }

To the President of the legislative council.

SIR—The act to provide for appeals and writs of error in criminal cases, would in the opinion of the executive, (if it becomes a law) produce the most serious and fatal results to the happiness, good order and character of the territory. I do not recollect a state in the union where appeals and writs of error are allowed in criminal cases. When we recollect that a prisoner is permitted to select his jury,—that the witness must be confronted face to face before him in open court,—that he has the right to compel the attendance of his witnesses, and to cross examine them on the part of the prosecution—that if the jury shall err in their verdict, the court will grant a new trial,—that if there is a defect in the indictment, the court will arrest the judgment;—and that even if the case is considered by the court as a hard one, after conviction, its recommendation to the executive would receive due consideration,—I do not believe the life or the liberty of the citizen could be better guarded, unless he should be held irresponsible for any crime that he might commit.

The expenses arising from such appeals would bankrupt every county in the territory, and this would inevitably occur by the procrastination of criminal trials.

I would enquire if the legislature are prepared to burden our citizens with an expense so enormous as must certainly spring from the delay on such appeals or writs of error. It is now one of the most difficult undertakings to punish the most abandoned criminal, under the present system of laws,—but if you add to



this the right of appeal or writ of error, I should consider our criminal code as a mockery of justice.

Such a law as the one proposed cannot benefit society,—it may and would crowd your appellate court, with criminal suits and prosecutions.—This court sits but once in the year, and I will undertake to say that in no case of importance occurring in the courts below, but an appeal or writ of error would be taken as a matter of course, for who would not postpone his punishment to the last moment, when the chances of escape would thus be multiplied.

Emigrants looking to this country as a residence, would pause before they would hazard their lives and fortunes under such a system of criminal laws, when the punishment of the culprit would only result in the heavy fees he would be compelled to pay to his advocates.

The 4th section of the "act to establish county courts and prescribe their jurisdiction," contains a provision granting appeals and writs of error in criminal cases as therein defined, which cannot receive my approval for the reasons stated, but if that provision is stricken out, I would approve the act, but the first mentioned bill, I return rejected.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

Which was read, and thereupon the said bill was put on its final passage in opposition to the veto of the governor: yeas Messrs. Bell, Blount, Chandler, Compton, Gautier, Howard, Meacham, Priest, Riz, Smith, Ward and Warren 12: nays Messrs. Bellamy, Bradford, Cooper and M'Bride 4: so the said act is passed by the lawful majority.

Also, the following communications from his excellency Governor Duval.

EXECUTIVE OFFICE,  
February 17th 1833.

SIR—The following acts, viz:—

1. An act amendatory of the several statutes of this territory concerning executions and attachments.
2. An act to repeal an act to provide for the speedy settlement of all arrears due the territory of Florida, approved Feb. 12th 1832, and for other purposes.
3. An act in addition to an act entitled an act concerning wills, letters testamentary, and letters of administration, and the duties of administrators and guardians, approved Nov. 20th 1828.
4. An act concerning the commissioner of the Tallahassee fund.
5. An act supplemental to an act concerning limitations of actions, approved Nov. 4th 1828.

Have been approved, signed, and filed in the secretary's office.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

Hon. J. P. BOOTH President of the council.

EXECUTIVE OFFICE,  
February 17, 1833.

To the President of the legislative council.

SIR:—An act to organize and regulate the militia of the territory of Florida, and to repeal an act passed 1st day of February 1832, contains certain provisions in relation to the Brigadier Generals liability to be cashiered by a court marshal etc.

The Brigadier Generals are appointed by the President and Senate of the United States, and hold their commissions from him; not from the governor of this territory. I am unwilling to cashier an officer of the general government, as I do not suppose we have the power, or that the government would submit to it. If the provisions on this subject are stricken from the bill I shall approve it.

I am, respectfully, your obedient servant,  
WILLIAM P. DUVAL.

EXECUTIVE OFFICE,  
Tallahassee, Feb. 17, 1833.

To the Hon. JOHN P. BOOTH, President legislative council.

SIR:—I have approved, signed, and filed, in the secretary's office the following acts, viz:—

1. An act concerning patrols.
2. An act to provide for holding an election for delegate to Congress from this territory, members of the legislative council and certain other officers.
3. An act to establish county courts and prescribe their jurisdiction.
4. An act in addition to the several acts concerning the city of Tallahassee.
5. An act regulating the mode of proceeding on attachments.
6. An act regulating damages on bills of exchange.
7. An act to repeal parts of acts in said act specified.
8. An act regulating appeals in certain cases not heretofore provided for by law.
9. An act relating to fees.
10. An act to amend an act entitled an act to incorporate the Bank of Florida, and to repeal an act to incorporate the Bank of Florida, passed 17th of November 1829.
11. An act amendatory of the several acts providing for the building a jail at Key-West.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

And thereupon, the act to organize the militia of Florida, and repeal an act passed 1st day of February 1832, was reconsidered, and the said bill was amended and passed: ordered that the title be as aforesaid.

The President laid before the council the following communication from his excellency Governor Duval.

EXECUTIVE OFFICE,  
Feb. 17, 1833.

To the Hon. JOHN P. BOOTH, Pres. legislative council.

SIR:—I have approved, signed, and filed in the secretary's office the following acts, viz:

An act to organize and regulate the militia of the territory of Florida, and to repeal an act passed 1st Feb. 1832.



An act for the relief of Benjamin G. Thornton and Jesse H. Willis.

An act to incorporate the Columbian Salt Company at Key-West.

An act concerning executions.

An act to incorporate Senybal and Murray towns.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

which was read.

Mr. Gautier from the select committee to whom was referred the petition of sundry inhabitants; made the following report:

The select committee to whom was referred the petition of sundry inhabitants of Fayette county, praying the removal of the county judge of said county, beg leave to report:

That they have had the same under consideration, and that they believe that there is no power vested in the council to remove judicial officers in this territory, appointed by virtue of the organic law, where that law prescribes the term of office.

The committee further beg leave to submit, that it would be unjust to the individual against whom the charges are preferred for this council to pass judgment against him without giving him notice of the same, and full opportunity to meet and examine the charges:—which was read and agreed to.

Mr. Ward introduced the following resolution:

RESOLVED, That the sum of fifty dollars be paid to T. R. Beiton esquire, commissioner of the city of Tallahassee, for services rendered in conformity with a resolution of the last council requiring him to take in charge the room, furniture &c., of the legislative council:—which was read and adopted.

Mr. Smith offered the following preamble and resolution:

WHEREAS, The number of clerks employed during the present and some former sessions of this council, has led to expenses beyond the appropriations of Congress—and whereas it is desirable that it should be published to the citizens of this territory, that in future the number of clerks (10) employed, will be reduced.

Therefore be it resolved by the legislative council of this territory, That at the next session of the council, no more than a chief clerk and four other clerks ought to be employed:—which was read and agreed to.

Mr. Bradford offered the following resolution:

RESOLVED, That the treasurer of this territory be, and he is, hereby authorized to pay to James M. McRea administrator of William Allison McRea, or to his agent or attorney, the sum of one hundred dollars, which appears to be due by the books of the auditor, and allowed by him, for services rendered to the territory, and which was rejected by the commissioners for ascertaining claims against the territory, in consequence of not having been presented before the first day of May last:—which was read and adopted.

The following:

RESOLVED, That the treasurer of this territory be, and he is, hereby authorized to pay to Robert W. Williams the sum of

three hundred and thirty-five dollars and thirty-five cents, the balance due him on the auditors check upon the treasurer (No. thirty-nine,) which was rejected by the commissioners for ascertaining claims against the territory, in consequence of not having been presented before the first day of May last:—which was read and adopted.

Mr. Ward offered the following resolution:

RESOLVED, That the treasurer be appointed to take care of the capitol and to keep the yard clear of weeds &c., and that he be allowed the sum of one hundred dollars for his services, & the commissioner of the Tallahassee fund be authorized to pay the said treasurer quarterly:—which was read and adopted.

Mr. Ward from the committee on Banks made the following report:

The committee on Banks to whom was referred the statement of the President and Cashier of the Merchants and Planters' Bank of Magnolia, report:

That they have examined the same and find that the issues of the Bank have been confined within the limits prescribed in their charter, and that from the said statement the Bank appears to have been conducted in conformity with the Charter:—which was read and agreed to.

Also the following:

The committee on Banks to whom was referred the communication of his excellency the Governor, inclosing the statement of the Cashier of the Central Bank of Florida; beg leave to report:

That they have examined the aforesaid statement of the condition of the Bank, that it is in conformity with the provisions of the charter, and that the institution appears to have been conducted in the utmost good faith:—which was read and agreed to.

The house went into committee of the whole, on the bill entitled an act to provide for the compensation of the officers of the council, and for other purposes; after some time spent therein arose, and Mr. Compton from said committee, reported said bill as amended, whereupon the said bill was read a third time by its title and passed, ordered that the title be as aforesaid.

Mr. Ward offered the following resolution:

Be it resolved by the Governor and Legislative Council of Florida, That the delegate in Congress, be requested to procure if possible, the passage of an act granting two additional members of this council, from the middle district of this territory.—which was read.

Mr. Gautier moved that it be laid on the table until to-morrow, the yeas and nays being thereon called by Messrs. Ward and Warren, were as follows: yeas, Mr. President, Messrs. Blount, Cooper, Gautier, Howard, Meacham, Priest, Riz, Smith, and Warren, 10; nays, Messrs. Bell, Bellamy, Bradford, Chandler, Compton, Mc Bride, Ward and Wright, 8; so the said resolution is lost.

Mr. Bradford offered the following memorial and resolution. The memorial of the Legislative Council of the Territory of



Florida, to the Congress of the United States, respectfully represents:

That your memorialists feel great pleasure and satisfaction, at the near approach of that desirable and happy period in our government, when the public debt will all have been paid, and those means which have been pledged for its redemption, will be at the disposition of the government, to be applied to other objects, while this debt, which was created in defence of the just rights of this government existed, your memorialists were unwilling to urge the disposition of any of the means which were pledged for its payment, notwithstanding the peculiar situation of this territory, might have authorised them to do so, now that this debt is all paid but a small balance, and ample means are provided for that, and as the subject of disposing of the public lands, occupies a part of the attention of your honorable body, your memorialists consider it a proper time, to ask for such legislation upon the subject, as the peculiar situation of this country, and the interest of its inhabitants, so strongly demand.

Florida has a seacoast, nearly equal in extent, to the whole atlantic coast of the United States. A large portion of it is uninhabited, and less protected from foreign aggression than any other portion of the Union. To attempt to fortify all the accessible points, would be an almost endless expense. It would therefore seem to your memorialists to be desirable to the government to have the country settled as densely as possible; most of the lands now unsold, never would be purchased at the present price asked by the government, and consequently a very great proportion of them would remain perhaps forever unsettled. Your memorialists therefore respectfully request that some law may be passed, giving to all persons who have, or who may hereafter settle on public lands, one quarter section, or such other portion as may be deemed reasonable. The beneficial consequences that would inevitably result from such a measure, must be so obvious, that it would be useless to point them out. Besides greatly increasing the valuable agricultural productions of the country, no measure would cause a more rapid increase of that kind of population, who would develop the resources of the country, and who are so ready to defend their rights and liberties. All wisely regulated governments have uniformly extended encouragement to its industrious and enterprising citizens, and none are more worthy than those, who by their agricultural pursuits, develop the riches of the country. "The wealth and strength of a country are its population, and the last part of that population are the cultivators of the soil."

Resolved, That a copy of this memorial be transmitted to the Delegate in Congress from this Territory—which were read and adopted.

Mr. Cooper from the committee on enrolled bills, reported as correctly enrolled, "an act to provide for the compensation of the officers of the council and for other purposes," which was signed by the President.

The President laid before the council the following communication from his excellency Governor Duval.

EXECUTIVE OFFICE,

Tallahassee, February 17, 1833.

SIR—I return the bill entitled, "an act to provide for the compensation of the council and for other purposes."

The appropriation by Congress for the expenses of this session, and for the printing, publication and transportation of the laws, it is estimated will amount probably to

7,850 00

This bill makes unqualified and unconditional allowances amounting to

9,685 50

and exceeding the probable amount of the fund upon which we are authorized to draw the sum of

1,835 50

With the other conditional appropriations the excess over the allowance of the United States will amount to about 2,400.

The very considerable excess made by this bill, is, it is considered by the executive owing chiefly to the employment of an unnecessary number of clerks, and the allowance of a compensation, to say the least, exceedingly liberal.

The executive regards it as a part of his duty to protect the interests of the general government in this respect, and to use his efforts to confine the expenses of the territory within proper limits.

The amount of pay and mileage of the members which is first paid at the treasury, on the certificate of the executive

3,198 00

The amount of the necessary expenditures to be made by the executive as stated in said bill is

2,550 00.

Dollars 5,748 00

It is to be observed, also, that these expenses have been by my direction, at this session, considerably reduced from those of former sessions, except as to the item for distributing the laws, which the increased number and the compilation makes it necessary, should be increased, and is therefore estimated at 200,

The items of these expenses, it will be noticed, are of the most important character. They are for printing the laws in pamphlet form—printing them in the newspaper—transportation of the laws etc. etc. In fact the territorial government cannot be properly administered without the performance of the duties, to defray the expenses of which, the aforesaid sum is necessary.

How, if the appropriation is exhausted in other allowances, is the executive to get these things done. Clamour has been made throughout the territory, that the laws are not printed and published at an early period after the council rises, and yet, while resolutions are adopted calling on the governor to have them distributed at an early period etc. etc. the council by the adoption of this law deprive him of the means of so doing!! If here after there should be delay, the cause must be obvious.

The publication of the laws in the newspapers is called for by the people, and is of great benefit. It is imposed as a duty upon the executive by the organic laws, and in the allowance by Congress, it is always specially enumerated, as one item of expen-



ses. The other expenses are as necessary, and cannot be dispensed with, without sacrificing the interests of the general government and of the people.

This law allows to the clerks [including 50 dols. to T. R. Benton] the sum of 2,406 50

By this bill they, and the members are to be first paid. The members pay as above stated, is 3,198 00

The allowances to the Chief Clerk for salary 500, and for stationary 290, sergeant at arms for salary 150, and for contingencies 61, and door-keeper for salary 150, and which will amount to 1151, are also preferred, 1,151 00

Making in all an aggregate of 6,755 50

Deducting this amount from the anticipated appropriation above stated, viz: 7,850 00

and there is only left to pay the aforesaid sum of 2,550, and also 380, allowed in said bill for miscellaneous printing done for the council by William Wilson, the sum of 1,094 50

Looking to the faithful performance of his own duties as required by the laws he has sworn to support and execute; the executive is constrained to say he must not only refuse his sanction to this bill, as too liberal, as depriving him of the ability to execute the laws, and as unjust to the United States, but he also feels himself compelled to protest against the arrangement by which the clerks are preferred at the treasury, previous to the payment of these necessary and most important expenses. The council having employed these gentlemen, it is admitted, they should be paid a reasonable compensation, and if Congress should refuse an additional appropriation, they must undoubtedly be paid such, although, perhaps, the funds will have to be raised by a tax upon the people. I therefore reject the bill.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL,

Hon. JOHN P. BOOTH, President legislative council,

Which was read, and thereupon the said bill was put on its final passage in opposition to the veto of the Governor, yeas, Messrs. Blount, Chandler, Compton, Cooper, Gautier, Howard, M'Bride, Meclan, Priest, Riz, Smith, Ware and Warren, 13; nays, Mr. President, Messrs. Bell, Bellamy, Bradford and Wright, 5; so the said act is passed by the lawful majority.

Mr. Bellamy offered the following resolution.

RESOLVED, That a select committee be appointed to wait upon his excellency the Governor, and inform him, that the council is now ready to adjourn, to enquire if he has any further communication to make—which was read and agreed to, and Messrs. Bellamy, Blount and Ward, were appointed on that committee.

The following nominations made by the Governor on yesterday, were severally considered and confirmed.

Escambia—Justices of the peace;—Peter Albin, W. A. Richbourg, Charles Evans, Thomas Cummings, J. Jerrison, S. Fry,

Thomas M. Blount, John S. Moore, Jurlius Piscay, A. C. Nicholson, Daniel Monroe, James W. Ernest.

Notaries Public;—Thomas M. Blount, Samuel Fry.

Auctioneers;—Henry Michelet, A. B. Allen, Charles Wilson.

Appraisers of the Union Bank of Florida;—Henry Ahrens, John Bronaham, Henry Willson, Joab Gaines, Robert M. Forbes.

Port wardens of Pensacola; Harmon Kelly, Henry Willson, John Campbell, Henry Michelet, John B. Foster.

Inspector of lumber;—Hanson Kelly.

Walton—Justices of the Peace;—Jeremiah Saville, Neil M'Pherson, W. Vaughan Jr. Alex. Turner, Rich'd. Compton, David M'David, John Anderson, Hull Jones, Daniel M'Lain Jr. Alex. M'Leod, James Evans, Richmond M'David, David Gartman.

Notary Public—Henry G. Ramsay.

Auctioneer—James Mallet.

Appraisers of the Union Bank—H. G. Ramsay, Isaac W. Hunter, Neill M'Pherson, James Vaughan, and Jeremiah Saville.

Washington—Judge of the county court;—Masters Russ.

Justices of the Peace;—Ste. J. Roach, A. B. Hudson,

Clerk of the county court;—John M. Bush.

Appraisers of the Union Bank;—James Bright, John M. Long, Masters Russ, Miles Everitt, John B. Brown.

Franklin county.—Clerk of the county court;—Abram K. Allison.

Justices of the Peace;—David Webster, Wm. Ballagh, Wm. A. Oakford, Martin Brooks.

Inspectors of lumber;—William La Prade, Willis Nichols.

Auctioneers;—James D. Bullock, H. R. Taylor, Owen Marsh.

Port wardens of Apalachicola;—Hezekiah Hawley, Wm. G. Porter, C. Cromwell, B. T. Caro.

Notary Public;—George S. Hawkins.

Appraisers of the Union Bank;—Martin Brooks, Hez. Hawley, Wm. G. Porter, Wm. D. Price, John Jenkins.

Jackson county.—Justices of the Peace; Joel Hammiter, E. J. Boner, Leland Trippe, John Sullivan, Servin Brown, James J. Pittman, William Robinson, Charles Howard, James Hooker, Eli Peacock, Seaborn B. Whitfield.

Auctioneers; John Sullivan.

Notaries public; William J. Watson.

Appraisers of the Union Bank; William J. Watson, James Watson, Bennett Ferrell, Joseph Russ, James W. Exum.

Fayette county.—Justices of the peace; Henry D. Stone, J. G. Smith,

Clerk of the county court; John Auchenleck.

Inspectors of lumber; Jeremiah Loftin.

Appraisers of the Union Bank; James Mills, Henry Hannam, Jesse Lott, William S. Pope, Peter Simmons.

Gadsden county.—Judge of the county court; Joseph M'Bride.



Justices of the Peace; Cornelius Dupont, John Little, John C. Love, John M'Millen, William Dickson, Banks Meacham.  
Notary Public; John J. Adams.

Auctioneer; M. M. Caswell.

Appraisers of the Union Bank; Henry Gee, Malcolm Nicholson, Charles H. Dupont, William Norwood, Aquilla Brewton.

*Leon county*.—Judge of the county court; L. A. Thompson.  
Justices of the Peace; Benj. Chaires, Ambrose Crane, Joseph Joiner, Nathan Powell, Lionel Fletcher, Richard Walker, William Hart, Alexander Cromartie, John Hale, Jos. W. Bannerman, John Baldwin, Thomas Brickles, Francis W. Eppes, James S. Linn.

Commissioner Tallahassee; T. R. Betton.

Auctioneers; Robert J. Hackley, Ambrose Crane.

Notaries Public; S. T. Robinson, Thos. G. Gordon, Leslie A. Thompson, Ambrose Crane.

Appraisers of the Union Bank; Nathan Byrd, Isaac W. Mitchell, Thomas Jefferson Green, Hector W. Braden, Isham G. Searcy.

Territorial Treasurer; Charles Austin.

Auditor of the Treasury; Thomas Brown.

Inspectors of lumber; John B. Peachy, Edward Seixas.

*Jefferson county*.—Judge of the county court; J. A. Cuthbert.

Justices of the Peace; Edmund Gray, Needham B. Felson, Hinson Willder, John P. Wynn, Joel Conyers.

Auctioneer; James L. Parish.

Appraisers of the Union Bank; James Gadsden, John A. Cuthbert, Thomas P. Randolph, William Blackburn, Daniel Bird.

*Madison county*.—Judge of the county court; James Mays.  
Justices of the Peace; S. Overstreet, Mathew M. Deas, Archibald Neal, Elias Whitten, Littleton Myrick, William Livingston.

Notary Public; Dennis Hawkins.

Appraisers of the Union Bank; Dennis Hawkins, James Mays, Thomas Livingston, Samuel Richardson, Littleton Myrick.

*Hamilton county*.—Justices of the Peace; Solomon Zippener, Bunyan Matthis, Nathaniel Bryant.

Appraisers of the Union Bank; Peter W. Law, William M. Hunter, Josiah Bazedon, David Moat, Daniel Bell.

*Columbia county*.—Justices of the Peace; William M. Reed, James Edwards, Samuel Burnett, James Sparkman, Joseph Dyall.

Appraisers of the Union Bank; Burnett M. Dell, Abel G. Loper, Jacob Summerall, Willson Brooks, Asa Clark.

*Alachua county*.—Judge of the county court; Lewellen M. Williams.

Justices of the Peace; Wiley Brooks, Henry A. Moore, Samuel B. Fitzpatrick.

Appraisers of the Union Bank; John H. McIntosh, Wiley Brooks, Solomon Warren, Francis R. Sanchez, Thomas Harn.

*Duval county*.—Justices of the Peace; William J. Mills, Sam-

uel Y. Garey, Matthew H. Phillips, Stephen J. Eubanks, Chas. Broward.

Sheriff; Albert G. Phillips.

Auctioneer; Matthew Jenkins.

Notaries Public; Matthew Jenkins, Albert G. Phillips.

Inspector of lumber; Joseph B. Lancaster.

Appraisers of the Union Bank; George Fleming, Isaiah D. Hart, John Houston, Farquhar Bethune, Joshua Hickman.

*Nassau county*.—Judge of county court; James T. O'Neil.

Justices of the Peace; Robert Miller, John Middleton jr, John Braddock, Charles Seaton, William Braddock, William Buford, Zachariah Moat.

Notaries Public; John Evertson, John Middleton jr,

Appraisers of the Union Bank; Robert Harrison, Daniel Vaughan, James T. O'Neil, Elijah Higginbotham, William Braddock.

Auctioneer; John Evertson.

*St Johns county*.—Justices of the Peace; Benjamin A. Putman, John C. Cleland, Abraham Dupont, John Lee Williams, Daniel Joice, Joseph S. Sanchez, Elias Wallen, Jesse Brush, Joseph M. Hernandez.

Auctioneers; Charles Robio, Venancio Sanchez,

Inspector of lumber; Thompson Mason,

Appraisers of the Union Bank; Joseph S. Sanchez, T. B. Smith, George Cooley, D. R. Cash, Elias Wallen,

Notary public; James Riz.

*Mosquitoe county*.—Judge of the county court; David R. Dunham,

Sheriff; Wm. Williams,

Clerk; Joseph Hunter,

Justices of the Peace; Daniel J. Griswold, Joseph Hunter, Thomas H. Dummett, W. H. Williams, George Anderson, Douglass Dummett, John J. Bulow, William Williams, Wm. Depeyster, David R. Dunham.

Auctioneers; William H. Williams, Wm. Depeyster, Joseph Hunter.

Notaries Public; William H. Williams, Thomas H. Dummett, Joseph Hunter, Wm. Depeyster, David R. Dunham.  
Appraisers of the Union Bank, Thomas H. Dummett, John J. Bulow, George Anderson, Douglass Dummett, David R. Dunham.

*Monroe county*.—Auctioneer; John Whitehead.

Notaries Public; William R. Hackley, John Whitehead.

The following nominations made by the Governor on this day were severally considered and confirmed:

*Monroe county*.—Justices of the Peace; Wm. R. Hackley, Robert Fletcher, Silas Fletcher, Robert J. Hackley, Benjamin B. Strobel, Wm. Cooley, Temple Pent, George Murray, Chas. Howe, John Dubose, Pardon C. Green, Obed Phillippe, Theodore Owens, John Whitehead, John Harris, Robert C. Crozer, Thomas A. Townsend.

Auctioneer; George E. Weaver.

For Judge of the county court; David C. Pinkham.



Notary Public; Wm. R. Hackley, John Whitehead, Thomas A. Townsend.

Appraisers of the Union Bank;—Pardon C. Green, Richard Fitzpatrick, James Webb, Jno. Whitehead, Wm. A. Whitehead.

Leon county.—Justices of the Peace; John Havis, William J. French. Arbitrators under the act entitled "an act for the relief of Benjamin G. Thornton;"—John G. Gamble, John S. Shephard, Jonathan Robinson.

Jackson county.—Justice of the Peace; Barney McKein

Escambia county; Justices of the Peace; Neil McNeil.

Inspector of lumber; James Findley.

Alachua county.—Justices of the Peace; Elias Knight, George Downs.

Mr. Bellamy from the committee appointed to wait on his excellency the governor, returned and informed the council, that the governor had no further communication to make, whereupon Mr. Blount offered the following resolution

RESOLVED, Unanimously, that the thanks of this house be tendered to the Hon. John P. Booth for the able, impartial, courteous and dignified manner in which he has fulfilled the duties of President of the legislative council at this session:—which was unanimously adopted, and thereupon the President arose and made suitable acknowledgments.

The house then adjourned SINE DIE.



## APPENDIX.

### REPORT.

Treasury Department, Florida, Jan. 26, 1833.

To the Honourable John P. Booth President of the Legislative Council:

Sir—I have the honour herewith to enclose you, a statement from the Auditor, containing the information called for, in the resolution of the Council passed on yesterday.

The greater part of the balance, reported to be due from the Tax Collector of Leon County, is the Tax imposed on Slaves of non residents, which is contested and suspended, by writ of injunction from the Superior Court. Since the meeting of the Council, a packet has been received from the Tax Collector of Duval County, containing about two hundred dollars, in Treasury Notes, and orders of the County Court. The Tax Collector of Jefferson County, made partial payment, as will appear, and had no orders of Court for Commissions or Insolvent list, but, from the confused manner in which the Tax Collectors generally report to the Department, and especially in these instances, the Auditor has not yet been able to state and adjust the accounts.

With much respect

I am your obed't. Serv't.

CHARLES AUSTIN, *Treas'r.*

(D.)

Statements showing the Tax returned for the year 1832, with the am't. paid, &c. showing also the counties which have not made any returns.

Names of the Counties.	Names of Tax Collectors.	Gross am't of Tax returned.	Am't all'd for Com's. Ins'lvs. &c	Nett am't paid into Treas'y.	Am't. yet due
Escambia	(Unknown)	No return			
Walter	N. Mitchell	29 85			
Washington	W. Tabor	No return			
Franklin	Jas. D. Bulloch	534 65	85 99	432 94	15 72.
Jackson	Wm. S. Mooring	658 70			
Fayette	R. T. White	93 34			
Gadsden	Rob. Forbes	921 48	253 44	668 04	
Leon	Jas. Bryan Jr.	2,126 99	326 56	1,275 16	515 27.
Jefferson	Tho. Hardyman	755 50		488 93	
Madison	Do.	90 19			
Hamilton	S. Sutton	24 80	3 96	20 84	
Alachua	(Unknown)	No return			
Columbia	Do.	Do.			
Duval	J. Price	540 56			



Nassau	Jno. Kirkland	273 47
Musquito	Wm. Williams	No return
St. Johns'	F. I. Avice	1,156 70
Munroe	(Unknown)	No return

Auditor's Office, Jan. 25, 1833.

THO. BROWN, Auditor.

(A.)

To the Hon. the Legislative Council of the Territory of Florida.

The commissioners under the "act to provide for the speedy settlement of all arrears due the Territory of Florida," have the honor to present the following Report and accompanying statements.—They regret that it had not been done sooner. But the absence of one of the Board during the summer; the indisposition of the others during that time; the change which has since taken place in it, by the resignation of L. A. Thompson, Esq. as Auditor; (assuredly the most efficient member) and the other and more pressing avocations of the remaining members, have together rendered it utterly impracticable. And even now, it may be said, that the result here presented, is neither the one sought to be obtained by the act of Council, nor one entirely satisfactory to the commissioners. Yet it is the only one which could be obtained, under the circumstances, by the best exertion of the Board, stimulated by an earnest desire to accomplish the views of the Legislature.

To ascertain the "amount of all accounts and claims of every kind existing against the Territory;" and the "amount of all debts due the Territory from all former and present officers, or other persons, or corporations, or counties," previous to the "30th day of Nov." 1831, necessarily involved, in the success of the investigation, the prompt and energetic co-operation of all concerned—both creditors and debtors. To obtain this, a call was made upon all persons interested in the proposed enquiry, through the medium of the newspapers published at St. Augustine, Tallahassee and Pensacola. And to render it the more imperative, the penalty for neglect, prescribed by the second section of the act, was distinctly announced. Notwithstanding this, the Commissioners are satisfied that persons having claims against the Territory, did not prevent them within the time limited by the act. In some instances, it may have proceeded from ignorance; but in others, the holders of Treasury notes, satisfied that the Legislature could not impair the obligation of contract, and apprehending the loss of interest, secured to be paid by the notes, if they gave them in, refused to do so. The Board itself at first inclined to this opinion, believing it was one of the objects desired to be attained by the Council. But upon more advised consideration, the idea was abandoned; and the certificates which have been issued by the Board, in the redemption of Treasury notes, promise the payment of interest on the original debt.

Of the claims presented to the Commissioners, many have been rejected, because not sustained by that kind and degree of evidence

required by law and the usages of the Treasury Department. If substantial justice is done to claimants, many of these rejected cases will require the consideration of the Legislature; as the power of the Board was much too limited to award it. The cases of F. I. Avice and R. Lewis are of this description. Mr. Avice has presented vouchers sufficient to satisfy the members of the Board, as individuals, that he is entitled to a much larger credit than he has been allowed. Should the Council pass these vouchers, and give him credit for the amount, the balance reported against D. Floyd, late Treasurer, must be increased.

That Mr. Lewis has performed the services for which he has charged, in his accounts, is known to some members of the Board; and they think the charges made not unreasonable. But a majority of the Board did not think that they could legally be charged against the Territory. And that if some of them could be, that they were not accompanied by such evidence as the law required. In consequence of rejecting these demands he stands charged with \$258 46½ cents. He has, since the 1st May, 1832, (the time limited for receiving claims, &c.), deposited with the Treasurer, to cover this amount, Auditors' checks for \$279 99 cents, thus making himself a creditor of the Territory. But as this payment came after the date named, it did not pass into our statements.

Of an entirely opposite character is the case of L. M. Stone, late Marshal of the Southern District. That gentleman presented claims to a large amount. In the investigation the Board discovered that of fourteen accounts, twelve had been previously passed upon: first by the former Auditor, J. Y. Garey, secondly by the Council of 1831. By the act of 1831, entitled "An act for the relief of L. M. Stone;" the Treasurer was authorised to draw, in favor of Stone, upon P. C. Greene, for \$1004 67 cents, in compensation, &c.—The Board did not feel authorised to re-credit these claims, being of opinion that they had not been finally settled, by the highest authority. Of the other two claims, a part was allowed, amounting to \$123 62½ cents. Since the 1st May, 1832, a communication has been received from W. A. Whitehead, who with Mr. Stone had been appointed a commissioner, by the act to "provide for the building a jail at Key West." From this it appears that Mr. Stone has received and not accounted for \$430 77 cents. But the Board did not think proper, on this evidence alone, to charge Mr. Stone with that amount, although they deem it sufficient to justify the withholding a certificate for the \$123 62 cents.—Mr. P. C. Greene is charged, as auctioneer, on the old books with \$1051 83 cents. By the second section of the act for Stone's relief, the Treasurer, on receiving satisfactory evidence of the payment of Stone's draft, was authorised to credit Greene with the "sum so paid." That satisfactory evidence is not to be found in the office. Mr. Greene has not therefore, been brought into any of the statements, either as debtor or creditor. For by the 3d section of the same act, the draft is to be received by Stone.



as a full liquidation of his then demand, as allowed and stated above. And, as in his communication to the Board, he does not deny having received the draft and payment, he was charged with the \$1004 67 cents. The Board believe therefore from the facts here detailed that Stone should appear a debtor for \$307 14½ cents, and Greene should be charged with \$47 16 cents. But these and some other cases are properly referable to the power and wisdom of the Council—and to that tribunal the board (with these remarks) and claimants must be content to leave them. The Council will observe a discrepancy between the debts due by the Territory and the certificates issued by the board. It has been created by withholding certificates for this amount stated as due Stone, and those due Linn and Norton. The two latter have some claims on the present books—which it was thought should be arranged hereafter.

From the "former and present officers and other persons" supposed to be indebted to the Territory, very few returns have been received. This inattention to the request of the Commissioners presented a serious difficulty. And it was greatly increased by the condition of the books kept by the late J. Y. Garey and D. Floyd, Esqrs. The Board found it impracticable to extract from them a correct knowledge of the former financial operations of the Territory. They do not question the integrity of those officers, but they regret exceedingly the too evident want of skill and ability to be found on their records. As however the Committees on finance reported in favor of those officers; and those reports received the sanction of the various Councils to whom they were made, the commissioners have assumed as correct, the charges to be found on the books, both for and against the Territory; and more particularly, the balances reported in Statement No. 1.

With these explanatory remarks, the Commissioners will now present a brief summary, drawn from the statements.

They find the "amount of all accounts and claims of every kind, existing against the Territory previous to the 30th Nov. 1831, to be

\$21549 52

And the amount of debts due the Territory from all former and present officers, &c. on that day, to be

\$13551 97½

No proceedings have been taken under the 6th section of the act. The Commissioners preferred that their proceedings under the other sections should be first submitted to the consideration of the Council. Departing from the letter of that act but pursuing the spirit, the Commissioners have deemed it profitable to bring the investigation to the present time—excluding what are strictly the operations of the last fiscal year.

The Territory then, should now be charged with:

The certificates issued by the Commissioners, say

\$4164 22

Treasury notes not redeemed

1559 41½

The balances found in favor of individuals on the old books

652 35½

And we will say with the open balances in the Commis-

oners' Books in favor of Stone, Linn and Norton,  
—say

219 36½

\$6595 35½

The Territory should be credited with the debts due by individuals, ascertained by the Commissioners, previous to 30th Nov. 1831,—say

3863 72

The payments made by the treasurer on the certificates issued by the Commissioners since 1st May 1832.

646 89

The balances found on old books against individuals

1569 15½

The assumed balances above referred to against Stone and Green—say

354 30½

And lastly a balance lately found against J. Pendleton, late sheriff of Escambia, and which has not been carried into the statements, of

355 76

And a balance will be due to the Territory—of

\$194 47½

The Commissioners forbear making any remarks upon the 2nd section of the act. It may be thought worthy the attention of the Council. But they were content to pursue the duty it so clearly pointed out to them. The book of accounts opened by the board and the vouchers filed, which are left in the custody of the treasurer, will remain subject to the order of the Council—to whose consideration the whole is respectfully submitted, by

JOHN K. CAMPBELL, } Com'rs. of the Treasury.  
THO. BROWN, Aud'r. }

Statement, shewing the Debts due from the Territory of Florida, previous to the 30th November, 1831.

David Evans, Sheriff, Walton County,	5 50
James S. Linn, Clerk, Leon Superior Court,	94 42½
James W. Exum, Marshall, Western District,	118 11
Benjamin D. Wright, late U. S. Attorney,	307 84½
Charles Waldron,	30 86
Charles Laing,	119 21
Henry Bond,	13 02
William Hilliard,	14 07
Fredrick Towll,	48 90
Turbutt R. Betton,	14 41
Robert Fisher,	11 42½
James McMullin,	126 58
George T. Ward,	330 46
William Williams, President Bank of Florida,	1,745 59
Joseph Wauchob,	54 98
John Robinson,	17 09
Miles Blake,	48 93
Blake & Parish,	36 16



Benjamin Byrd,	3 69
Adam Wyrick,	5 69
Henry D. Baldwin,	28 30
John Y. Garey,	246 76
John R. Dorsey,	85 30
John P. Neale,	22 75
L. M. Stone, Late Marshall Southern District,	123 62
William Prichard,	4 75
John W. Reaves,	13 50
Isham G. Searcy,	71 62
E. K. Freeman,	72 50
Adam Gordon, late Marshall Western District,	129
Robert H. Stewart,	24 81
Malcomb Blue,	11 25
William Smith,	9
Robert Hight,	10 50
Lewis Norton, Sheriff Madison County,	1 31½
John L. McKinnon,	24 25
Thomas Douglass, U. S. Attorney, Eastern District,	145
James Shines,	6
Jeremiah Sevell,	38
Robert McKinnon,	6
David Gartman,	6
Winney Barefoot,	6
John Lambert,	9 00
Richard Hayard,	3 50
J. M. Wright,	1 20
Thomas Munroe,	55 50
Ezekiel Vickers,	5 25
E. B. Gould,	3 25
William Willson,	2 70
F. R. Sanchez,	5 65
J. K. Campbell, Assg'n. of T. A. Halliday,	8 25
Do. assg'n. of T. D. Colding,	19
S. Ellis,	26 85
Simeon Thews,	2
Daniel Johnson,	2 50
Thomas Brown,	1 75
Arben Fallis,	2

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4,383 55

Amount due sundry individuals, found on the Auditors Books, and reported to the Legislative Council, by G. E. Dennis, Clerk to the late Treasurer, on the 9th January, 1832,

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652 35½

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5,035 93½

Statement, shewing the Debts due to the Territory of Florida,

previous to the 30th November, 1831.

Alexander Adair, late Marshall M. D.	278 11 ✓
Robert Forbes, Sheriff Gadsden County	63 15
John Kirkland, Sheriff Nassau do.	24 24
Francis J. Avice, Sheriff St. Johns do.	772 94½
Daniel C. Hart, Sheriff Duval do.	191 96
Mm. S. Mooring, Sheriff Jackson do.	393 87
Romeo Lewis, Sheriff Leon do.	258 46½
James Pendleton, Sheriff Escambia do.	131 46½
Solomon E. Mathers, Sheriff Jefferson do.	3 50
A. G. Mays, Tax Collector Jackson do.	235 42½
George Gibbs, Clerk of St. Johns Superior Court,	8 25
Robert C. Lester, Clerk Gadsden do	64 16
Waters Smith, late Marshall Eastern District	729 94½
Benjamin Chaires,	110 96
Davis Floyd, late Treasurer,	596 61½
William Livingston, Auctioneer St. Johns County,	6 74 ✓
A. B. Allen, Auctioneer Escambia County,	7 31
State of Georgia, account fugitives from justice,	8 60
<hr/>	
3863 72	

Amount due by sundry individuals, found on the Auditors Books, and reported to the Legislative Council, by G. E. Dennis, clerk to the late Treasurer, on the 9th January, 1832,

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437 42

Amount also due by individuals, on account of St. Marks Fund, reported as above,

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1,131 73½

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5,432 87½

Statement, shewing the Certificates issued by the Board of Commissioners, in liquidation of the claims, ascertained reported in Statement No. 1, and also the payments made by the Treasurer on the same.

N. B. The Territory is made Dr. by the certificates issued, and Cr. by the payments made by the Treasurer.

1832.	DR.	No. 45	5 50
May 1. David Evans,		19	118 11
James W. Exum,		16	65
Benjamin D. Wright,		17	242 84½
Do.		20	8 36
Charles Waldron,		21	22 50
Do.		15	119 21
Charles Laing,		2	13 02
Henry Bond,		22	14 07
William Hilliard,		23	47 90
Frederick Towle,			



# VIII

Turbutt R. Betton,	8	14	41
Robert Fisher,	24	11	42
James McMullin,	9	92	60
Do.	10	33	98
George T. Ward,	25	330	46
Wm. Williams, President of the Bank of Florida,	6	1745	59
Joseph Wauco,	26	54	98
John Robinson,	27	17	09
Miles Blake,	28	44	18
Do.	29	4	75
Blake & Parish,	30	36	16
Benjamin Byrd,	31	5	69
Adam Wyrick,	4	5	69
Henry D. Baldwin,	32	7	30
Do.	33	21	
John Y. Garey,	11	103	09
Do.	12	143	67
John R. Dorsey,	5	20	30
Do.	7	65	
John P. Neale,	34	22	75
William Pritchard,	18	4	75
John W. Reaves,	8	13	50
Isham G. Searcy,	1	71	63
E. R. Freeman,	35	72	50
Adam Gordon,	36	129	
Robert H. Stewart,	37	24	81
Malcomb Blue,	38	11	25
William Smith,	39	9	
Robert Hight,	40	10	50
John L. McKinnon,	13	24	25
Thomas Douglass,	14	145	
James Shines,	41	6	
Jeremiah Savell,	42	38	
Robert McKinnon,	43	6	
David Gartman,	44	6	
Winney Barefoot,	46	6	
John Lamberri,	47	9	
Richard Hayward,	48	3	50
J. M. Wright,	49	1	20
Thomas Munroe,	50	55	50
Ezekiel Vickers,	51	5	25
E. B. Gould,	52	3	25
F. R. Sanchez,	53	5	65
William Wilson,	54	2	70
J. K. Campbell, Assg'n. of T. A. Halladay,	55	8	25
Do. do. T. D. Colding,	56	19	
S. Ellis,	57	26	85
Simeon Thews,	58	2	
Daniel Johnson,	59	2	50
Thomas Brown,	60	1	75
Arbena Fallis,	61	2	

4164 22

CR.

1832,	Sept. 20.	Isham G. Searcy, cash paid him	\$	cts.	71	63
		Henry Bond,	do.	25	13	02
	Nov. 7	Turbutt R. Betton,	do.		14	41
	Dec. 11	Adam Wyrick,	do.	20	5	69
	Nov. 16	James McMullin,	do.		33	98

# IX

1833, Jan. 14	J. R. Dorsey,	do.	22	20	30
	J. R. Dorsey,	do.		65	
1832, Nov. 13	J. W. Reaves,	do.		13	50
	James McMullin,	do.		92	60
Dec. 11	John Y. Garey,	do.		103	09
	Do.	do.		143	67
1833, Jan. 8	Jno. L. McKinnon,	do.		24	25
	William Pritchard,	do.		4	70
	James W. Kxum,	do. (No. 13)		41	
	Amount of interest accrued and paid				
	since 1st May,		67	50	

646 67

B



May, 1832—the amount of debts existing against the Territory on Treasury Notes, on the first of from that date, with the certificates therefor.

## CREDITOR'S NAME:

CREDITOR'S NAME.	Amount of debt		Amount redeemed		Amount unpaid bearing interest	No. and amt. certifi- cate.	Certificates on Treasury Notes with the interest thereon, redeemed since 1st May by the Treasurer.
	Prin- cipal.	Inter- est.	Prin- cipal.	Inter- est.			
ROBERT FORBES.	34 50	1 80	1 80	34 50			
JOHN KIRKLAND.	115	9 57	9 57	110			
WILLIAM'S MOORING.	115	3 00	3 00	115			
KOMELO LEWIS	100 12 1/2	10 02	10 02	100 12 1/2			
BENJAMINE CHAIRES	218 40	54	40 54	218			
BENJ D WRIGHT.	216 12 1/2	26 72					
CHARLES WALDRON	7 50	56					
CHARLES LAING.	100	19 92					
HENRY BOND.	12	9 02	2 27	11			
WILLIAM HILLIARD	12	9 07					
FREDERICK TOWLE.	44	4 90					
TURBETT R. BETTON.	13	1 41	1 41	13			
ROBERT FISHER.	10 37 1/2	1 03					
JAMES M'ULLEN.	30 50	3 48	3 48	30 50			
GEORGE T. WARD.	284 75	45 71					
W. WILLIAMS, Prst. B. F. J. 733	145 87						
JOSEPH WAUGHOB	50	4 98					
JOHN ROBINSON.	15	9 00					
MILES BLAKE.	41 50	9 68					
BLAKE AND PARISH.	34	2 16					
BENT. BYRD.	5	69					
ADAM WYRICK.	5	69					
HENRY D. BALDWIN.	7	95					
JOHN Y. CAREY.	263 25	43 04					
JOHN R. DORSEY.	15	5 30					
LEWIS NORTON.	47	3 90					
WILLIAM WILSON.	2 50	20					

Amount of Treasury notes un-

XII

1829

Statement of the Treasury Notes, up to 1st Jan. 1833, deduced from the Books of the Treasury & Auditor.

Nov. 30.	Amount of Treasury Note issued during	
1830	the year 1829 to this date,	6543 58½
Dec. 13.	Amount of Treasury Notes issued during	
1831	the year 1830 to this date,	7660
Nov. 30.	Amount of Treasury Notes issued during	
	the year 1831 to this date,	2310

1829

Nov. 8. Am't. of Treasury notes burnt  
by order L. Council at this  
date, 2586 621

1830	Am't. of interest on the same,	104 11 3
------	--------------------------------	----------

Dec. 31. Am't. of Treasury notes burnt  
by order L. Council at this  
date, 5532 471

1832	Am't. of interest on the same,	242 74
------	--------------------------------	--------

Feb. 7. Am't. of Treasury notes burnt  
by order L. Council at this  
date,

Am't. of interest on the same,	140 50
--------------------------------	--------

Am't. of Treasury notes burnt

by order L. Council at this  
date, 414

Am't. of interest on the same,	15 99
--------------------------------	-------

May. 1. Am't. of Treasury notes redeemed by Commissioners to this date,

1833	Am't. of interest on the same,	398 95
------	--------------------------------	--------

Jan. 1.	Am't of Treasury notes redeemed by Treasurer to this date,	985 44
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Am't. of interest on the same,	64 01
--------------------------------	-------

Am't. of Treasury notes also re-	
deemed by Treasurer,	79

Am't of interest on the same,	18 56
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15,939 041

Amount of interest deducted,	984 87
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14,954 17



accounted for,

1,559 41½

## A GENERAL SUMMARY.

To this amount due individuals by the Territory of Florida previous to the 30th Nov. 1831, as per statement, No. 1.	44383 56
To this amount of certificates issued by the board of Commissioners, created by the "Act to provide for the speedy settlement of all arrears due the Territory of Florida," approved 12th Feb. 1832, as per statement, No. 2.	4164 2½
To this amount Treasury Notes presented to the board of Commissioners, on the 1st May 1832, as per statement No. 3.	3534 19½
To this amount being the Interest on the same to the 1st May, 1832, as per statement No. 3.	398 96
To this amount Treasury Notes issued previous to 30th Nov. 1831, as per statement No. 4.	16,513 58½
To this amount due sundry individuals, as shown by the Auditor's Books, and heretofore reported to the Legislative Council by Geo. E. Dennis, as per statement No. 1.	652 35½
To this amount Treasury Notes unredeemed and in circulation, as per statement No. 4.	1559 41½
By this amount due the Territory of Florida by individuals, previous to the 30th Nov. 1831, as per statement No. 1.	3863 78
By this amount paid on certificates issued by the board of Commissioners by the Treasurer since 1st May, 1832, as per statement No. 2.	447 56
By this amount interest paid by Treasurer the same, as the same,	67
By this amount Treasury Notes redeemed by the board of Commissioners, as per statement No. 3.	868 28½
By this amount being so much interest to the 1st of May 1832, also redeemed, as per statement No. 3.	274 21
By this amount of certificates issued by the board of Commissioners for Treasury Notes, redeemed by the Treasurer since the 1st of May, 1832, as per statement No. 3.	87 40
By this amount being additional interest on the same paid by the Treasurer, since the 1st May 1832, as per statement No. 3.	1 23
By this amount Treasury Notes burnt by order of the L. Council previous to the 1st May, 1832, and the amount since redeemed by the board of Commissioners and the Treasurer, as per statement No. 4.	14 455 19
By this amount due by sundry individuals as shown by the Auditor's Books and heretofore reported by Geo. E. Dennis, as per statement No. 1.	437 48
By this amount due by sundry individuals on account of St. Marks' fund, as above and heretofore reported by Geo. E. Dennis, see same statement No. 1.	1131 73½

## REPORT,

And Account Current of the Treasury of Florida.

To the President and Legislative Council,

The undersigned respectfully Reports, that the annexed Account Current exhibits the principal transactions in his department of the Treasury, during the past year, to the 30th November.

The Reports and Accounts Current of the Commissioner of the City of Tallahassee, have been regularly received, shewing his receipts to have been \$1,687 40, and the amount paid out by him \$1,479 74, leaving a balance in his hands this day of \$207 66, a more particular statement of those receipts, and disbursements, will be furnished by him.

Beg leave further to report, that I have examined quarterly into the state of the Bank of Florida, and have found the affairs of that bank conducted with great caution and it fully appears, that at all times, since the examination made by a Committee of the Council, during its last meeting, this bank has held specie funds sufficient to discharge its notes and debts out standing, without resorting to its loans, and that the Tax and the Territory has been paid.

No official statement has been furnished this department from the Bank of West Florida, but within a few days I have been furnished with a memorandum stating the nett profits of that bank up to the 24th December 1832 to be \$7302 9, and an amount of cash paid into the Treasury, that will pay the Tax due the Territory, on the dividend above named.

From the Auditor of the Treasury, you will receive a statement of the delinquents to the Territory, for the past year, and of the claims audited by him against it.

From the Treasury Board of Commissioners you will receive a statement of the claims against the Territory, and the amounts due to the same, prior to the 30th November 1831.

Respectfully submitted,

Your ob't. serv't.

CHARLES AUSTIN,

Territorial Treasurer.

Treasurers Office, Jan. 1, 1833.

The Territory of Florida in Account Current with Charles Austin Treasurer.

DR.

1832. Treasury Notes.	
For amount of Notes redeemed,	1131 03
Interest Account.	
For interest paid on the above,	18 86
Exp. Pros. Criminals Middle District.	
Paid Auditors and Com'rs. Checks,	1173 37½
Exp. selecting seat of Government.	
Paid Auditor's Checks,	180



Exp. Pros. Criminals Southern District.	
Paid Auditor's Checks,	15 25
Exp. Treasury Department,	
Paid Auditor's Checks,	75 25
Preservation of Public Arms,	
Paid Auditor's Checks,	16
Postages Treasury Department.	
Paid Auditor's Checks,	11 69
Exp. Pros. Criminals Eastern District.	
Paid Auditor's Checks,	32 10
Officers Sallaries.	
Paid C. Austin, Treasurer 3 qr's., 300 }	600
Paid L. A. Thompson, Audt. do. 300 }	
Uncurrent Notes.	
Received of L. Norton & R. Forbes taken by them for Taxes	22
Exp. Executive Department.	
Paid Auditor's Checks for postages &c.	180 35
Exp. Pros. Criminals Western District, St. Marks Fund.	10
Paid Auditor's Checks, in part,	139 65
Balance in the Treasury this day,	11 58
	<hr/>
	\$3,682 13½

## CR.

1832. By Revenue, 1821.	
Received on Commissioners Certificate,	595 50
Auction Tax, 1831.	
Received on Auditors and Commissioners Certificates,	244 59
Tax on Pedlars Licenses, 1831.	
Received Auditors Certificates,	20
Auction Tax 1832.	
Received Auditor's Certificate,	294 44
Revenue, 1832.	
Rec'd. Taxes for Leo i County, 1285 16 }	2386 14
Do. do. Franklin do. 432 94 }	
Do. do. Gadsden do. 668 04 }	
St. Marks Fund.	
Rec'd on Auditor's Certificates,	139 65
Loss and Gain.	
Gained of R. Fitzpatrick, for want of change,	1 81½

## Errors Excepted.

3,682 13½

Treasurer's Office, Tallahassee, 30th Nov. 1832.

CHARLES AUSTIN,

Territorial Treasurer.

Auditors's Office, 30th Nov. 1831.

The above Account of Charles Austin Treasurer of Florida, has been duly examined, and compared with his vouchers and found correct—It is therefore adjusted and allowed.

L. A. THOMPSON,

Audt'r. Pub. Acc't.

AUDITOR'S OFFICE, FEB. 6, 1833,

To the Hon, John P. Booth.

President of the L. Council.

SIR:

I have the honor to submit, through you, to the Legislative Council, a report from the Auditor's office for the year ending 30th November last.

Being unacquainted with the details of this office, and the fiscal condition of the Territory; from the circumstances of my very recent appointment, I regret to say, that with all the labor and attention which I have been able to bestow on the subject, I fear I shall fail in making a satisfactory report to the Council, on the financial situation of the Territory; or such an one as is contemplated by the act of the 13th Feb. 1831.

Exhibit No 1. Shews "a settlement with the Territorial Treasurer of funds belonging to the Territory, leaving a balance in the Treasury on the 30th November of \$11 58.

No moneys have been received into the Treasury on account of the School Fund: Nor, it is believed, has there been any election of School commissioners for the several townships, as required by a law of the last Legislative Council.

Exhibit No. 2. is "a statement of the amount of Revenue received from, or chargeable to each county, and the expenses which have accrued in each Judicial District for the current year," by which it will be seen that only ten counties had made returns to this office on the 30th Nov. the end of the last year: of these—

R. Forbes, Tax Collector of Gadsden county, paid the sum of - - - - - \$668 04 in the time required by law, and in full for his dues.



J. Bryan, jr. Tax Collector of Leon county, paid the sum of	1285 16
leaving a balance of \$515 27—\$510 of which being for tax assessed on Slaves of non residents, the collection of which has been suspended by a writ of injunction, issued by order of the judge of the Middle District.	
J. D. Bulloch, Tax Collector of Franklin county, the sum of	433 94
leaving a balance of \$15 72 on insolvent list, which he was unable to get certified in time by the county court. Being the total amount of Revenue paid into the Treasury by Tax Collectors on the 30th Nov. for the year 1832.	\$2386 14
The Tax Collectors who were in default on the 30th November, are	
N. Mitchell, Walton County,—am't. of return	\$29 85
W. Taber, Washington County,—no return.	
W. S. Mooring, Jackson Co.—am't. of return	658 70
R. T. White, Fayette Co.—am't. of return.	93 34
Thos. Hardyman, Jefferson Co.—am't. of return	755 51
S. Sutton, Hamilton Co.—no return.	
John Price, Duval Co.—am't. return	540 56
J. Kerkland, Nassau Co.—am't. return	273 47
W. Williams, Musquitto Co.—no return.	
T. I. Avice, St. Johns' Co.—am't. return	1156 70
	<hr/>
	\$3508 13

and the counties of Escambia, Madison, Alachua, Columbia and Monroe, from which there has been no return, or report of appointment of officers of Revenue.

Subsequently to the 30th November, Thos. Hardyman has made payment for Jefferson county in part, the sum of

and has made return for Madison county \$90 19.	\$438 93
S. Sutton, has made return for Hamilton county \$24 80, and paid after deducting his commissions, in full	20 84
J. Price for Duval County, has transmitted by mail a packet containing Treasury Notes and County orders, which have not yet been audited, amounting to about	200 00

E. I. Avice for St. Johns County has had passed at this Department to his credit, claims amounting to 198 51 and has exhibited claims to a much larger amount which have been rejected for want of proper vouchers and authentication.

In the same exhibit (No 2.) will be found a column showing the "expense in each judicial District, amounting in total to the sum of \$2445 39.

On this branch of expenditure in criminal prosecution, I beg leave to remark, that the law requiring witnesses to make out their own accounts for attendance, is objectionable, in as much as it causes great irregularity in form, and subjects this department to much perplexity, and the Treasury to imposition. I would respectfully suggest for the sake of uniformity, that witnesses be allowed to enter their attendance in court, at each term they attend, and that the clerk be required to furnish them with a certified ticket, when the case is disposed of.

The same exhibit (No. 2.) will also show the amount of fines and forfeitures, in each Judicial District, amounting in total to \$53 56½. Two counties only having reported, to wit:

The county of Jackson, in the Western District	\$50 26
the sum of	3 31½
And the Co. of Leon, Middle District, the sum of	<hr/>
	\$53 56½

Exhibit No. 3. shows the names of the Auctioneers, in the several counties in the Territory, and the amount of Auction Tax returned by them. There has been accounted for, for the year 1831, brought into the accounts of the year 1832, the sum of \$1092 24, of which the sum of \$947 65 was paid by the Auctioneers, at Key West, to the commissioners appointed to build a Jail and Cistern at Key West, and the residue, being \$244 59, was paid into the Treasury (see exhibit No. 1.) Of the \$846 65, paid to the commissioners, \$201 25 was paid by them for a lot of ground on which to erect the Jail and Cistern, and charged on the books of this office to "expenses of pros. Crim's. Southern District," the residue being \$646 40 stand charged to the "Jail Comr's. at Key West," (see Exhibit No. 4.)—of this sum, of \$646 40—\$450 77, is represented to be in the hands of L. M. Stone, and taken into the report of the Board of Com's. of the Treasury.

The same exhibit (No 3) further shews the amount of Auction



Tax accounted for, for the year 1832, being \$512 57 (see exhibit No. 5) of which there has been paid into the Treasury the sum of (see exhibit No. 1.)  
And now due the sum of  
of which

(See Ex. No. 4.)	T. R. Betton owes	\$8 93	\$294 44 218 45
	Cornelius Taylor do.	19 49	
	R. D. Fontane do.	13 94	
	P. C. Green do.	14 66	
	Eddie Van Ever do.	161 43	
and J. B. Benjamin for 1831,		\$1 57	
			\$218 45

It will be seen by this exhibit (No 3.) that in the year 1832, there were in commission in this Territory forty-three Auctioneers, thirteen of whom only reported to this department, the other thirty have made no report, or, reported nothing.

Exhibit No 4. shows the amount of debts due to, and from, the Territory for the current year, ending 30th Nov. 1832, leaving a balance in favor of the Territory of \$3867 26½

Exhibit No. 5. is "a general summary of all claims audited" at this department during the fiscal year, for, and against the Territory, and corroborates Exhibit No. 4. in the balance shown in favor of the Territory.

But it must be observed, that although there is a balance shown in favor of the Territory of \$3867 26½; there are many claims against the Territory for the current year, which have not yet been audited. Many of the Tax Collectors who have been reported as debtors, have claims, assets off, which have not yet been allowed, and some of them have not yet been credited by their commissions and insolvencies. And on the other hand, it will be recollected, that on the 30th Nov. eight counties had made no report to this department of their Territorial Tax, and thirty Auctioneers of their Auction Tax. So that we may readily come to the conclusion that the Revenue of the Territory for the current year, 1832, will exceed its expenditures, at least, in round numbers, the sum of \$3,000, and that there will be no necessity to increase the Tax or seek out new subjects of taxation to meet the expenditures of the succeeding year. But the important subject of consideration is a faithful assessment, and a prompt collection and payment into the Territorial Treasury, of the taxes already levied. To this end, I respectfully recommend an amendment to the Revenue law in relation to tax assessors and tax collectors; the assessor should be required to go to the house, when he is not called on; to take his list of taxable property, and if any person should refuse to furnish him with a

list, he should make out one from the best information to be obtained in the neighborhood.

To induce vigilance and promptness on the part of the Tax Collector, he ought to be allowed by law a fixed and ample compensation for punctual payment into the Treasury of all his dues, and be subject to forfeiture for a failure to do so; and the power ought to be taken from the county courts, to fix their compensation, or to remit taxes—the county court ought, properly, only to examine and certify the insolvent list; the power to remit Taxes ought to rest with the Legislature.

In many of the counties the amount of Revenue is too small to engage the attention of a competent assessor or collector—I would respectfully suggest the wisdom of increasing the emolument by extending the sphere—for instance, make the Judicial Districts the collection Districts, and give the Collector the authority to collect and receive all moneys due to the Territory, of what kind soever, and from whomsoever due.

I have made the foregoing suggestions in obedience to the act prescribing the duties of the Auditor, which requires him to give "any information relating to the funds of the Territory, which he shall consider for the public good."

All of which is respectfully submitted.

THOS. BROWN.  
Auditor

The Territory of Florida in account current with Sundries.  
30th November, 1832.

DR.

To Amount of claims on which certificates are issued by the Commissioners of the Treasury,	4164 22
To amount of Treasury notes not redeemed,	1559 41½
To amount due individuals on old books,	652 35½
To amount due individuals on Com'rs. books,	219 36½
To amount due individuals on the books of the of the Auditor for the year 1832,	67 85½
To amount of checks granted to individuals on account audited, due and outstanding,	985 63½
Balance,	3,414 53
	\$11,063 37½

CR.

By amount due by individuals, ascertained by the Commissioners previous to the 30th November, 1831, in their books,	3,863 72
By amount due by individuals on the old books,	1,569 15½
By amount due by L. M. Stone & P. C. Greene,	354 30½
By amount due by J. Pendleton, late Sheriff of Escambia,	355 76
By amount of balances found against individuals on the Auditor's books for the year 1832,	4,920 43½
	\$11,063 37½

By balance per contra,

3,414 53